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THE REVISED

## ORDINANCES

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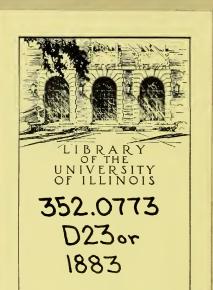
# GITY OF DANVILLE.

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# WWR Woodbur CITIES AND VILLAGES

AN ACT to provide for the incorporation of Cities and Villages. In force July 1, 1872.

SECTION.

- I. How city may adopt this act.
- 2. Notice of election.
- 3. The ballots; result.4. How towns may become cities.
- 5. Organizing a city—petition—election -result.
- 6. Courts to take judicial notice of organization, etc.
- 7. Election of officers.

- SECTION.
  - 8. When county judge to give notice of election, etc.
  - Term of first officers. Q.
  - Corporate name—powers.
  - Prior ordinances, etc., in force until, etc.
  - 12. Rights, etc., of old corporations to vest in new.
  - Record of result of election.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows-

#### ARTICLE I.

#### OF THE ORGANIZATION OF CITIES.

How Cities May Incorporate.] § 1. That any city now existing in this State may become incorporated, under this act, in manner following: Whenever one-eighth of the legal voters of such city, voting at the last preceding municipal election, shall petition the mayor and council thereof to submit the question as to whether such city shall become incorporated under this act, to a vote of the electors in such city, it shall be the duty of such mayor and council to submit such question at the next ensuing municipal election of such city, or on the third Tuesday of April, as provided for in article four (4) of said act, for holding municipal elections: Provided, there shall be sufficient time intervening to give the notice required by law. [As amended by act February 26, 1881.]

- 2. Notice of Election.] § 2. The mayor of such city shall give at least thirty days' notice of such election, by publishing a notice thereof in one or more newspapers within such city; but if no newspaper is published therein, then by posting at least five copies of such notice in each ward.
- 3. The Ballot—Result.] § 3. The ballots to be used at such election shall be in the following form: "For city organization under general law;" or, "Against city organization under general law." The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns and cause the result of such canvass to be entered upon the records of such city. If a majority of the votes cast at such election shall be for city organization under general law, such city shall thenceforth be deemed to be organized under this act; and the city officers then in office shall, thereupon, exercise the powers conferred upon like officers in this act, until their successors shall be elected and qualified.
- 4. How Towns May Become Cities.] § 4. Any incorporated town or village in this State, having a population of not less than one thousand (1000) inhabitants, may become incorporated as a city in like manner as hereinbefore provided; but in all such cases the president and trustees of such town or village shall, respectively, perform the same duties relative to such a change of organization as is above required to be performed by the mayor and council of cities. [As amended by laws of 1877.]
- 5. Organizing—Petition—Election—Result.] § 5. Whenever any area of contiguous territory in this State, not exceeding four square miles, shall have resident thereon a population of not less than one thousand inhabitants, which shall not already be included within any incorporated town or city, the same may become incorporated as a city in manner following: Any fifty legal voters thereof may file in the office of the clerk of the county court of the county in which such inhabitants reside, a petition, addressed to the judge of such court; and if the territory described in said petition shall be in more than one county, then the petition shall be addressed to the judge of the court where a greater part of such territory is situated; which petition shall define the boundaries of such proposed city, and state the number of inhabitants residing within such limits, and also state the name of such proposed city, and shall contain a prayer that the question be submitted to the legal voters residing within such limits, whether they will organize as a city under this act. It shall be the duty of the county judge to fix a time and place, within the boundaries of such proposed city, at which an election may be held, to determine such question; and such judge shall name the persons to act as judges in holding such election, and shall give notice thereof by causing ten notices to be posted in public places within such proposed city. And the third section of this article shall be applicable to such election:

Provided, that the returns of such election shall be made to and canvassed by the county judge and any two justices of the peace whom he shall call to his assistance, instead of the city council; and the result of such election shall be entered upon the records of such county court. If a majority of the votes cast at such election shall be "For city organization under general law," the inhabitants of such territory, described in such petition, shall be deemed to be incorporated as a city, under this act, and with the name stated in the petition. [See § 175.]

- 6. Courts to Take Judicial Notice, etc.] § 6. All courts in this State shall take judicial notice of the existence of all villages and cities organized under this act, and of the change of the organization of any town or city from its original organization to its organization under this act; and from the time of such organization, or change of organization, the provisions of this act shall be applicable to such cities and villages, and all laws in conflict therewith shall no longer be applicable. But all laws or parts of laws not inconsistent with the provisions of this act, shall continue in force and applicable to any such city or village, the same as if such change of organization had not taken place.
- 7. ELECTION OF OFFICERS.] § 7. It shall be the duty of the president and board of trustees of any town which shall have voted to change its organization to a city, under this act, to call and give notice of an election to elect city officers, and to designate the time and place or places of holding the same. Such notice shall be published in a newspaper, if there be one within the town, or posted in ten public places, for at least twenty days before such election. Such president and trustees shall appoint the judges and clerks to hold such election, canvass the returns thereof, and cause the result to be entered upon the records of the town; and the provisions of this act, relative to the election of city officers, shall be applicable thereto; but at such election, aldermen may be elected on a general ticket.
- 8. When County Judge to Give Notice, etc.] § 8. In case of cities organizing under section five (5) of this article, the county judge shall call and give notice of the election, and perform the same duties relative thereto as is above required to be performed by president and trustees of such town, and in canvassing such returns shall call to his assistance two justices of the peace.
- 9. Term of First Officers.] § 9. The city officers elected under either of the preceding sections, shall hold their respective offices until the next succeeding regular election for such officers, respectively, and until their successors are elected and qualified, as provided in this act.
- 10. Corporate Name—Powers.] § 10. Cities organized under this act shall be bodies politic and corporate, under the name and style of "City of (name)," and under such name may sue and be sued,

contract and be contracted with, acquire and hold real and personal property for corporate purposes, have a common seal and change the same at pleasure, and exercise all the powers hereinafter conferred.

- 11. PRIOR ORDINANCES IN FORCE UNTIL WHEN, ETC.] § 11. All ordinances, resolutions and by-laws, in force in any city or town when it shall organize under this act, shall continue in force and effect until repealed or amended, notwithstanding such change of organization; and the making of such change of organization shall not be construed to effect a change in the legal identity, as a corporation, of such city or town.
- rights and property of every kind and description, which were vested in any municipal corporation under its former organization, shall be deemed and held to be vested in the same municipal incorporation upon its becoming incorporated under the provisions of this act, but no rights or liabilities, either in favor of or against such corporation, existing at the time of so becoming incorporated under this act, and no suit or prosecution of any kind, shall be affected by such change, but the same shall stand and progress as if no change had been made: Provided, that when a different remedy is given by this act, which may properly be made applicable to any right existing at the time of such city so becoming incorporated under this act, the same shall be deemed cumulative to the remedies before provided and used accordingly.
- 13. RECORD OF THE RESULT OF ELECTION.] § 13. The corporate authorities of any city or village which may become organized under this act shall, within three months after organization hereunder, cause to be filed in the office of the recorder of deeds, in the county in which such city or village is situated, a certified copy of the entry made upon the records of the city, village or county court, of the canvass of the votes, showing the result of such election, whereby such city or village became so organized—and such recorder of deeds shall record the same. And such corporate authorities shall also cause a like certificate to be filed in the office of the Secretary of State, who shall file the same, and keep a registry of cities and villages organized under this act.

#### ARTICLE II.

#### OF THE MAYOR.

#### SECTION.

- I. Mayor—his qualifications. 2. Vacancy one year or more.
- 3. Vacancy less than year.
- 4. Mayor pro tem.
- 5. Vacancy by removal from city.6. Mayor to preside—casting vote.
- 7. When he may remove officers.8. His powers to keep peace.

#### SECTION.

- 9. Release of prisoners.
- General Duties. IO.
- To examine records, etc. II.
- 12. Messages to council.
- 13. To call out militia, etc.—riots, etc. 14. Misconduct, etc., of mayor or other officer-penalty.
- Revising ordinances after change of 15. organization.
- 14. MAYOR—HIS QUALIFICATIONS.] § 1. The chief executive officer of a city shall be a mayor, who shall be a citizen of the United States, a qualified elector, reside within the city limits, and hold his office for two years and until his successor is elected and qualified.
- shall happen in the office of the mayor, when the unexpired term shall be one year or over from the date when the vacancy occurs, it shall be filled by an election.
- 16. VACANCY LESS THAN YEAR.] § 3. If the vacancy is less than one year, the city council shall elect one of its number to act as mayor, who shall possess all the rights and powers of the mayor until the next annual election, and until his successor is elected and qualified.
- ability of the mayor, the city council shall elect one of its number to act as mayor pro tem., who, during such absence or disability, shall possess the powers of mayor.
- 18. VACANCY BY REMOVAL, ETC. ] § 5. If the mayor, at any time during the term of his office, shall remove from the limits of the city, his office shall thereby become vacant.
- 19. MAYOR TO PRESIDE—CASTING VOTE, ETC.] § 6. mayor shall preside at all meetings of the city council, but shall not vote except in case of a tie, when he shall give the casting vote.
- WHEN HE MAY REMOVE OFFICERS. \ \ \ 7. The mayor shall have power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the city demand such removal, but he shall report the reasons for such removal to the council at a meeting to be held not less than five days nor more than ten days after such removal; and if the mayor shall fail, or refuse to file with the city clerk a statement of the reasons for such removal, or if the council by a two-thirds (2/3) vote of all its members authorized by law to be elected, by yeas and nays, to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which he was so removed; but he shall give new bonds and take a new oath of office. No

officer shall be removed a second time for the same offense. [As amended by laws of 1879.]

- 21. HIS POWERS TO KEEP PEACE.] § 8. He may exercise, within the city limits, the powers conferred upon sheriffs, to suppress disorder and keep the peace
- 22. Release of Prisoners.] § 9. He may release any person imprisoned for violation of any city ordinance, and shall report such release, with the cause thereof, to the council at its first session thereafter.
- 23. GENERAL DUTIES.] § 10. He shall perform all such duties as are or may be prescribed by law or by the city ordinances, and shall take care that the laws and ordinances are faithfully executed.
- 24. Examine Records, etc.] § 11. He shall have power at all times to examine and inspect the books, records and papers of any agent, employee or officer of the city.
- 25. Messages to Council.] § 12. The mayor shall annually, and from time to time, give the council information relative to the affairs of the city and shall recommend for their consideration such measures as he may deem expedient.
- 26. To Call Out Militia, etc.] § 13. He shall have power, when necessary, to call on every male inhabitant of the city over the age of eighteen years to aid in enforcing the laws and ordinances, and to call out the militia to aid in suppressing riots and other disorderly conduct, or carrying into effect any law or ordinance, subject to the authority of the governor as commander-in-chief of the militia.
- 27. MISCONDUCT, ETC.—PENALTY.] § 14. In case the mayor or any other municipal officer shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or misfeasance in the discharge of the duties of his office, he shall be liable to indictment in any court of competent jurisdiction, and, on conviction, shall be fined in a sum not exceeding one thousand dollars; and the court in which such conviction shall be had, shall enter an order removing such officer from office.
- 28. Revising Ordinances, etc.] § 15. He may appoint, by and with the advice and consent of the city council, immediately after such change of organization, one or more competent persons to prepare and submit to the city council for their adoption or rejection, an ordinance in revision of the ordinances of such city, and for the government of such city, the compensation of such reviser or revisers to be determined and fixed by the city council and paid out of the city treasury.

#### ARTICLE III.

#### OF THE CITY COUNCIL.

#### SECTION.

- 1. Council—how composed.
- Number of aldermen.
   Term of office of aldermen.
- 4. Vacancy.
- 5. Qualifications of aldermen.
- 6. Council judge of election and qualification of members.
- 7. Rules—expulsion—bribery.
- 8. Quorum—compelling attendance.
- 9. Meetings.
- 10. Chairman pro tem.

#### SECTION.

- 11. Open doors.
- 12. Journal shall be kept.
- Yeas and nays—record—vote required.
- 14. Not rescind vote at special meeting unless, etc.
  - 5. When report laid over.
- 16. Territorial jurisdiction.
- 17. Special meetings.
- 18. Ordinances-appeal-veto.
- 19. Reconsideration-passing over veto.
- 29. COUNCIL—How COMPOSED.] § 1. The city council shall consist of the mayor and aldermen.
- 30. Number of Aldermen.] § 2. The number of aldermen, when not elected by the minority representation plan, shall be as follows: In cities not exceeding three thousand inhabitants, six aldermen; exceeding three thousand but not exceeding five thousand, eight aldermen; exceeding five thousand and not exceeding ten thousand, ten aldermen; exceeding ten thousand and not exceeding thirty thousand, fourteen aldermen; and two additional aldermen for every twenty thousand inhabitants over thirty thousand: *Provided*, however, that in cities of over one hundred thousand (100,000) inhabitants, there shall be elected thirty-six aldermen, and no more. [See § 175.]
- 31. TERM OF OFFICE OF ALDERMEN.] § 3. Aldermen shall hold their office for the term of two years, and until their successors are elected and qualified.
- 32. VACANCY.] § 4. If any vacancy shall occur in the office of alderman by death, resignation, removal or otherwise, such vacancy shall be filled by election.
- 33. Qualifications, etc.] § 5. No person shall be eligible to the office of alderman unless he shall be a qualified elector, and reside within the ward for which he is elected, nor shall he be eligible if he is in arrears in the payment of any tax or other liability due to the city; nor shall he be directly or indirectly interested in any contract whatever to which the city is a party; nor shall he be eligible if he shall have been convicted of malfeasance, bribery or other corrupt practices or crimes; nor shall he be eligible to any office, the salary of which is payable out of the city treasury, if at the time of his appointment he shall be a member of the city council; nor shall any member of the city government; nor shall he be either directly or indirectly, individually, or as a member of a firm, engaged in any business transaction (other than official) with such city, through its mayor

or any of its authorized boards, agents or attorneys, whereby any money is to be paid, directly or indirectly, out of the city treasury to such member or firms.

- 34. JUDGE OF ELECTION—QUALIFICATION, ETC.] § 6. The city council shall be judge of the election and qualification of its own members.
- 35. Rules—Expulsion—Bribery.] § 7. It shall determine its own rules of proceeding, punish its members for disorderly conduct, and with the concurrence of two-thirds of the aldermen elect, may expel a member, but not a second time for the same offense: *Provided*, that any alderman or councilman who shall have been convicted of bribery shall thereby be deemed to have vacated his office.
- 36. QUORUM—COMPELLING ATTENDANCE.] § 8. A majority of the aldermen elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees, under such penalties as may be prescribed by ordinance.
- 37. MEETINGS.] § 9. The city council may prescribe, by ordinance, the times and places of the meeting thereof, and the manner in which special meetings thereof may be called.
- 38. Chairman pro Tem.] § 10. It may elect a temporary chairman in the absence of the mayor.
  - 39. Open Doors.] § 11. It shall sit with open doors.
- 40. JOURNAL SHALL BE KEPT.] § 12. It shall keep a journal of its own proceedings.
- 41. YEAS AND NAYS—RECORD—VOTE REQUIRED.] § 13: The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings; and the concurrence of a majority of all the members elected in the city council shall be necessary to the passage of any such ordinance or proposition: *Provided*, it shall require two-thirds of all the aldermen elect to sell any city or school property.
- 42. Not Rescind Vote, etc.] § 14. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.
- 43. When Report Laid Over.] § 15. Any report of a committee of the council shall be deferred for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two aldermen present.
- 44. TERRITORIAL JURISDICTION.] § 16. The city council and board of trustees shall also have jurisdiction in and over all places

within one-half mile of the city or village limits, for the purpose of enforcing health and quarantine ordinances and regulations thereof.

- Special Meetings. | \$ 17. The mayor or any three aldermen may call special meetings of the city council.
- 46. Ordinances—Appeal—Veto.] § 18. All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk; and if the mayor approves thereof, he shall sign the same, and such as he shall not approve he shall return to the council, with his objections thereto, in writing, at the next regular meeting of the council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the mayor shall fail to return any ordinance, with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.
- 47. Reconsideration—Passing Over Veto.] § 19. Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered by the council; and if, after such reconsideration, two-thirds of all the members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The veto to pass the same over the mayor's veto shall be taken by yeas and nays, and entered on the journal.

W.W. M. ARTICLE IV. Woodbur

ELECTIONS.

### SECTION.

- I. Annual election.
- 2. Election of mayor. 3. Who entitled to vote,

- Minority representation. Aldermen under minority representa- 13. Where no quorum in office-special
- adopted.

- 9. Council to designate place of election-notice.
- Manner of conducting elections. IO. 11. Result-tie.
- 5. Aldermen at first election—classified. 12. Notice to persons elected or appoint-
- 8. Aldermen when minority plan not 14. Special election.
- 48. Annual Election. 7 § 1. A general election for city officers shall be held on the third Tuesday of April of each year: Provided, that in cities which include wholly within their corporate limits a town or towns, such elections shall be held on the first Tuesday of April. [As amended laws of 1877.]
- ELECTION OF MAYOR. ] § 2. At the general election held in 1877, and biennially thereafter, a mayor, a city clerk, a city attorney,

and a city treasurer shall be elected in each city: *Provided*, that no person shall be elected to the office of city treasurer for two terms in succession. [As amended laws 1877.]

- 50. Who Entitled to Vote.] § 3. All persons entitled to vote at any general election for state officers within any city or village, having resided therein thirty days next preceding thereto, may vote at any election for city or village officers.
- 51. WARDS.] § 4. The city council may, from time to time, divide the city into one half as many wards as the total number of aldermen to which the city is entitled, and one alderman, shall, annually, be elected in and for each ward, to hold his office for two years, and until his successor is elected and qualified. In the formation of wards, the population of each shall be as nearly equal, and the ward shall be of as compact and contiguous territory as practicable.
- 52. ALDERMEN—FIRST ELECTION—CLASSIFIED.] § 5. At the first election under this act, there shall be elected the full number of aldermen to which the city shall be entitled. At the first meeting of the city council after such election, the aldermen elected shall be divided, by lot, into two classes: those of the first class shall continue in office for one year, and those of the second class for two years. And upon any increase of the number of aldermen at their first election, one half shall be elected for one year, and one half for two years.
- MINORITY REPRESENTATION. | § 6. Whenever this act shall be submitted to the qualified electors of any city for adoption, there shall be submitted at the same time, for adoption or rejection, the question of minority representation in the city council or legislative authority of such city. At the said election the ballots shall be in the following form: "For minority representation in the city council," or "Against minority representation in the city council." And at any subsequent time, on petition of the legal voters equal in number to one-eighth the number of legal votes cast at the next preceding general city election, the city council shall cause the question of minority representation to be submitted to the legal voters of said city, and the ballots shall be in form as provided in this section: Provided, that no such question of representation shall be submitted more than once in every two years. The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns, and to cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such an election shall be "For equal representation in the city council," then the members of the city council or legislative authority of such city shall be thereafter elected in the following manner: The council or legislative authority of such city, at least one month before the general election in the year in which this act shall take effect in such city, shall apportion such

city, by dividing the population thereof, as ascertained by the last federal census, by any number not less than two nor more than six, and the quotient shall be the ratio of representation in the city council. Districts shall be formed of contiguous and compact territory, and contain, as nearly as practicable, an equal number of inhabitants. [As amended by act approved March 27, 1874; in force July 1, 1874.]

- 54. ALDERMEN UNDER MINORITY REPRESENTATION. \ \ \ 7. Every such district shall be entitled to three aldermen, who shall hold their office for two years, and until their successors shall be elected and qualified: *Provided*, that those elected at the first election, from the wards bearing odd numbers, shall only hold their office for one year, and until their successors shall be elected and qualified. Vacancies occurring by the expiration of term, shall be filled by the election of aldermen for the full term of two years. Vacancies arising from any other cause than the expiration of term, shall be filled at an election to be held by the voters of the district in which such vacancy shall occur, at the time designated by the city council. In all elections for aldermen, aforesaid, each qualified voter may cast as many votes as there are aldermen to be elected in his district, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit, and the candidate highest in votes shall be declared elected. [As amended by act approved March 27, 1874; in force July 1, 1874.]
- 55. ALDERMEN WHEN MINORITY PLAN, ETC.] § 8. If a majority of the votes cast at such election shall be "Against minority representation in the city council," the preceding section shall be null and void, so far as it relates to such city at such election, and the aldermen of such city shall be elected as otherwise provided for in this act.
- 56. COUNCIL TO DESIGNATE PLACE, ETC.—NOTICE.] § 9. The city council shall designate the place or places in which the election shall be held, and appoint the judges and clerks thereof, and cause notice to be printed in some newspaper published in such city, if there be one, or posted at each voting place in such city, of the time, places of election, and of the officers to be elected, for at least twenty days prior to such election.
- 57. Manner of Conducting Elections.] § 10. The manner of conducting and voting at elections to be held under this act and contesting the same, the keeping of poll lists and canvassing the votes, shall be the same, as nearly as may be, as in the case of the election of county officers, under the general laws of this state. The judges of election shall appoint clerks, when necessary to fill vacancies, and the judges and clerks shall take the same oath and have the same powers and authority as the judges and clerks of general state elections. After the closing of the polls, the ballots shall be counted and the returns made out and returned, under seal, to the city or village clerk, as the case may be, within two days after the

election; and, thereupon, the city council or board of trustees, as the case may be, shall examine and canvass the same and declare the result of the election, and cause a statement thereof to be entered upon its journals.

- 58. RESULT—TIE.] § 11. The person having the highest number of votes, for any office, shall be declared elected. In case of a tie in the election of any city or village officer, it shall be determined by lot, in the presence of the city council or board of trustees, in such manner as they shall direct, which candidate or candidates shall hold the office
- 59. NOTICE TO PERSONS ELECTED, ETC. \ 12. It shall be the duty of the village or city clerk, within five days after the result of the election is declared or appointment made, to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall respectively qualify in ten days after such notice, the office shall become vacant.
- No Quorum in Office—Special Election. \ \ \ 13. If, for any cause, there shall not be a quorum in office of the city council or board of trustees, the mayor, clerk, or any alderman or trustee, as the case may be, may appoint the time and place for holding a special election to supply such vacancy and give notice and appoint the judges thereof.
- 61. Special Election. \ \ 14. If there is a failure to elect any officer herein required to be elected, or the person elected should fail to qualify, the city council or board of trustees may forthwith order a new election therefor; and in all cases, when necessary for the purposes of this act, may call special elections, appoint judges and clerks thereof, canvass the returns thereof, and provide by ordinance for the mode of conducting the same; and shall give notice of such special elections, in which shall be stated the questions to be voted upon, and cause such notices to be published or posted for the same length of time and in the same manner as is required in the case of regular annual elections in such cities or villages.

#### ARTICLE V.

#### OF THE POWERS OF THE CITY COUNCIL.

1. General powers of the city council.

- Style of ordinances, Publication of ordinances—when they
- take effect. 4. Proof of ordinances.
- Suits for violating ordinances.
- SECTION.
  - 6. Fines and licenses paid to treasurer. Summons—affidavit—punishment.
    - Jurisdiction of justices, etc.
    - Constables and sheriffs may serve process, etc.
  - 10. Jurisdiction over water.
- 62. GENERAL POWERS OF THE CITY COUNCIL.] § 1. The city council in cities, and president and board of trustees in villages, shall have the following powers:

First—To control the finances and property of the corporation.

Second—To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation.

Third—To levy and collect taxes for general and special purposes on real and personal property.

Fourth—To fix the amount, terms and manner of issuing and re-

voking licenses.

Fifth—To borrow money on the credit of the corporation for corporate purposes, and issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purpose to any amount, including existing indebtedness, in the aggregate to exceed five (5) per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness; and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years after contracting the same.

Sixth—To issue bonds in place of or to supply means to meet maturing bonds, or for the consolidation or funding of the same.

Seventh—To lay out, to establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and public grounds, and vacate the same.

Eighth—To plant trees upon the same. Ninth—To regulate the use of the same.

Tenth—To prevent and remove encroachments or obstructions upon the same.

Eleventh—To provide for the lighting of the same. Twelfth—To provide for the cleansing of the same.

Thirteenth—To regulate the openings therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gas lights: Provided, however, that any company heretofore organized under the general laws of this state, or any association of persons organized, or which may be hereafter organized for the purpose of manufacturing illuminating gas to supply cities or villages, or the inhabitants thereof with the same, shall have the right, by consent of the common council (subject to existing rights), to erect gas factories, and lay down pipes in the streets or alleys of any city or village in this state, subject to such regulations as any such city or village may by ordinance impose.

Fourteenth—To regulate the use of sidewalks and all structures thereunder; and to require the owner or occupant of any premises to keep the sidewalks in front of, or along the same, free from snow and other obstructions.

Fifteenth—To regulate and prevent the throwing or depositing of

ashes, offal, dirt. garbage or any offensive matter in, and to prevent injury to, any street, avenue, alley or public ground.

Sixteenth—To provide for and regulate crosswalks, curbs and

gutters.

Seventeenth—To regulate and prevent the use of streets, sidewalks and public grounds for signs, sign posts, awnings, awning posts, telegraph poles, horse troughs, racks, posting handbills and advertisements.

Eighteenth—To regulate and prohibit the exhibition or carrying of banners, placards, advertisements or handbills in the streets or public grounds, or upon the sidewalks.

Nineteenth—To regulate and prevent the flying of flags, banners or

signs across to streets or from houses.

Twentieth—To regulate traffic and sales upon the streets, sidewalks

and public places.

Twenty-first—To regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the corporation.

Twenty-second—To regulate the numbering of houses and lots. Twenty-third—To name and change the name of any street, avenue,

alley, or other public place.

Twenty-fourth—To permit, regulate or prohibit the locating, constructing or laying a track of any horse railroad in any street, alley or public place; but such permission shall not be for a longer time than twenty years.

Twenty-fifth—To provide for and change the location, grade and

crossings of any railroad.

Twenty-sixth—To require railroad companies to fence their respective railroads, or any portion of the same, and to construct cattle guards, crossings of streets and public roads, and keep the same in repair, within the limits of the corporation. In case any railroad company shall fail to comply with any such ordinance, it shall be liable for all damages the owner of any cattle or horses or other domestic animal, may sustain, by reason of injuries thereto while on the track of such railroad, in like manner and extent as under the general laws of this state, relative to the fencing of railroads; and actions to recover such damages may be instituted before any justice of the peace or other court of competent jurisdiction.

Twenty-seventh—To require railroad companies to keep flagmen at railroad crossings of streets, and provide protection against injury to persons and property in the use of such railroads. To compel such railroad to raise or lower their railroad tracks to conform to any grade which may, at any time, be established by such city, and where such tracks run lengthwise of any such street, alley or highway, to keep their railroad tracks on a level with the street surface, and so that such tracks may be crossed at any place on such street, alley or highway. To compel and require railroad companies to make and keep open and to keep in repair ditches, drains, sewers and culverts

along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded.

Twenty-eighth—To construct and keep in repair bridges, viaducts

and tunnels, and to regulate the use thereof. [See § 194.].

Twenty-ninth—To construct and keep in repair culverts, drains, sewers and cesspools, and to regulate the use thereof. [See § 253.]

Thirtieth—To deepen, widen, dock, cover, wall, alter or change the channel of water courses.

Thirty-first—To construct and keep in repair canals and slips for the accommodation of commerce.

Thirty-second—To erect and keep in repair public landing places, wharves, docks and levees. [See § 219-220.]

Thirty-third—To regulate and control the use of public and private

landing places, wharves, docks and levees.

Thirty-fourth—To control and regulate the anchorage, moorage and landing of all water craft and their cargoes within the jurisdiction of the corporation.

Thirty-fifth—To license, regulate and prohibit wharf boats, tugs and other boats used about the harbor or within such jurisdiction.

Thirty-sixth—To fix the rate of wharfage and dockage.

Thirty-seventh—To collect wharfage and dockage from all boats, rafts or other craft landing at or using any public landing place, wharf, dock or levee within the limits of the corporation.

Thirty-eighth—To make regulations in regard to the use of harbors, towing of vessels, opening and passing of bridges.

Thirth-ninth—To appoint harbor masters, and define their duties.

Fortieth—To provide for the cleansing and purification of waters, water courses and canals, and the draining or filling of ponds on private property, whenever necessary to prevent or abate nuisances.

Forty-first—To license, tax, regulate, suppress and prohibit hawkers, peddlers, pawnbrokers, keepers of ordinaries, theatricals and other exhibitions, shows and amusements, and to revoke such license at pleasure.

Forty-second—To license, tax and regulate hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and to prescribe their compensation.

Forty-third—To license, regulate, tax and restrain runners for stages, cars, public houses, or other things or persons.

Forty-fourth—To license, regulate, tax or prohibit and suppress billiard, bagatelle, pigeon hole or any other tables or implements kept or used for a similar purpose in any place of public resort, pin alleys and ball alleys.

Forty-fifth—To suppress bawdy and disorderly houses, houses of ill-fame or assignation, within the limits of the city, and within three

miles of the outer boundaries of the city; and also to suppress gaming and gambling houses, lotteries, and all fraudulent devises and practices for the purposes of gaming or obtaining money or property; and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations. [See § 216-217.]

Forty-sixth—To license, regulate and prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license: Provided, that the city council in cities, or president and board of trustees in villages, may grant permits to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance: Provided, further, that in granting licenses such corporate authorities shall comply with whatever general law of the state may be in force relative to the granting of licenses.

Forty-seventh—The foregoing shall not be construed to affect the provisions of the charter of any literary institution heretofore granted.

Forty-eighth—And the city council in cities, and president and board of trustees in villages, shall also have the power to forbid and punish the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor to any minor, apprentice or servant, or insane, idiotic or distracted person, habitual drunkard, or person intoxicated.

Forty-ninth—To establish markets and market houses, and provide for the regulation and use thereof.

Fiftieth—To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and to provide for place and manner of selling the same.

Fifty-first—To prevent and punish forestalling and regrating.

Fifty-second—To regulate the sale of bread in the city or village; prescribe the weight and quality of the bread in the loaf.

Fifty-third—To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal, and other provisions.

Fifty-fourth—To regulate the inspection, weighing and measuring of brick, lumber, fire wood, coal, hay, and any article of merchandise.

Fifty-fifth—To provide for the inspection and sealing of weights and measures.

Fifty-sixth—To enforce the keeping and use of proper weights and measures by vendors.

Fifty-seventh—To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

Fifty-eighth—To regulate places of amusement.

Fity-ninth—To prevent intoxication, fighting, quarreling, dog fights, cock fights, and all disorderly conduct.

Sixtieth—To regulate partition fences and party walls.

Sixty-first—To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and construction of

fire escapes therein.

Sixty-second—The city council, and the president and trustees in villages, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or placed or repaired, without permission, and to direct that all and any buildings within the fire limits, when the same shall have been damaged by fire, decay or otherwise, to the extent of fifty per cent. of the value, shall be torn down or removed, and to prescribe the manner of ascertaining such damage.

Sixty-third—To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe condition, when considered dangerous; to regulate and prevent the carrying on of manufactories, dangerous in causing and promoting fires; to prevent the deposit of ashes in unsafe places, and to cause all such buildings and inclosures as may be in a dangerous state to be put in a safe condition.

Sixty-fourth—To erect engine houses, and provide fire engines, hose carts, hooks and ladders, and other implements for prevention and extinguishment of fires, and provide for the use and management of the same by voluntary fire companies or otherwise.

Sixty-fifth—To regulate and prevent storage of gunpowder, tar, pitch, rosin, coal oil, benzine, turpentine, hemp, cotton, nitroglycerine, petroleum, or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops and other places, and the building of bonfires; also to regulate and restrain the use of fire-works, fire-crackers, torpedoes, Roman candles, sky-rockets and other pyrotechnic displays.

Sixty-sixth—To regulate the police of the city or village, and pass and enforce all necessary police ordinances.

Sixty-seventh—To provide for the inspection of steam boilers.

Sixty-eighth—To prescribe the duties and powers of a superintendent of police, policemen and watchmen.

Sixty-ninth—To establish and erect calabooses, bridewells, houses of correction and workhouses, for the reformation and confinement of vagrants, idle and disorderly persons, and persons convicted of violating any city or village ordinance, and make rules and regulations for the government of the same, and appoint necessary keepers and assistants.

Seventieth—To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the county board.

Seventy-first—To provide by ordinance in regard to the relation between all the officers and employees of the corporation in respect to each other, the corporation and the people.

Seventy-second—To prevent and suppress riots, routs, affrays, noises, disturbances, disorderly assemblies in any public or private place.

Seventy-third—To prohibit and punish cruelty to animals.

Seventy-fourth—To restrain and punish vagrants, mendicants and prostitutes.

Seventy-fifth—To declare what shall be a nuisance, and to abate the same; and to impose fines upon parties who may create, continue or suffer nuisances to exist.

Seventy-sixth—To appoint a board of health and prescribe its powers and duties.

Seventy-seventh—To erect and establish hospitals and medical dispensaries, and control and regulate the same.

Seventy-eighth—To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

Seventy-ninth—To establish and regulate cemeteries within or without the corporation, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation.

Eightieth—To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs.

Eighty-first—To direct the location and regulate the management and construction of packing houses, renderies, tallow chandleries, bone factories, soap factories and tanneries, within the limits of the city or village, and within the distance of one mile without the city or village limits.

Eighty-second—To direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops and founderies within the limits of the city or village.

Eighty-third—To prohibit any offensive or unwholesome business or establishment within or within one mile of the limits of the corporation.

Eighty-fourth—To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pig-sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

Eighty-fifth—The city council, or trustees of a village shall have

power to provide for the taking of the city or village census; but no city or village census shall be taken by authority of the council or trustees oftener than once in three years.

Eighty-sixth—To provide for the erection and care of all public buildings necessary for the use of the city or village.

Eighty-seventh—To establish ferries, toll bridges, and license and regulate the same, and, from time to time, fix tolls thereon.

Eighty-eighth—To authorize the construction of mills, mill-races and feeders on, through or across the streets of the city or village, at such places and under such restrictions as they shall deem proper.

Eighty-ninth—The city council shall have power, by condemnation or otherwise, to extend any street, alley or highway over or across, or to construct any sewer under or through any railroad track, right of way, or land of any railroad company (within the corporate limits); but where no compensation is made to such railroad company, the city shall restore such railroad track, right of way or land to its former state, or in a sufficient manner not to have impaired its usefulness.

Ninetieth—The city council or board of trustees shall have no power to grant the use of or the right to lay down, any railroad tracks in any street of the city, to any steam or horse railroad company, except upon a petition of the owners of the land representing more than one-half of the frontage of the street, or so much thereof as is sought to be used for railroad purposes.

Ninety-first—To tax, license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public scales, money changers and brokers.

Ninety-second—To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

Ninety-third—To regulate and prohibit the keeping of any lumber yard, and the placing or piling or selling any lumber, timber, wood, or other combustible material, within the fire limits of the city.

Ninety-fourth—To provide, by ordinance, that all the paper, printing, stationery, blanks, fuel, and all the supplies needed for the use of the city, shall be furnished by contract, let to the lowest bidder.

Ninety-fifth—To tax, license and regulate second-hand and junk stores, and to forbid their purchasing or receiving from minors, without the written consent of their parents or guardians, any article whatsoever.

Ninety-sixth—To pass all ordinances, rules, and make all regulations, proper or necessary, to carry into effect the powers granted to cities or villages, with such fines or penalties as the city council or board of trustees shall deem proper: *Provided*, no fine or penalty

shall exceed \$200, and no imprisonment shall exceed six months for one offense.

- 63. STYLE OF ORDINANCES.] \ 2. The style of the ordinances in cities shall be: "Be it ordained by the city council of ———."
- 64. Publication of Ordinances—When to take Effect.] § 3-All ordinances of cities and villages imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation, shall, within one month after they are passed, be published at least once in a newspaper published in the city or village, or, if no such newspaper is published therein, by posting copies of the same in three public places in the city or village; and no such ordinance shall take effect until ten days after it is so published. And all other ordinances, orders and resolutions shall take effect from and after their passage, unless otherwise provided therein.
- 65. Proof of Ordinances.] § 4. All ordinances, and the date of publication thereof, may be proven by the certificate of the clerk, under the seal of the corporation. And when printed in book or pamphlet form, and purporting to be published by authority of the board of trustees or the city council, the same need not be otherwise published; and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and places without further proof.
- 66. Suits for Violating Ordinances.] § 5. All actions brought to recover any fine, or to enforce any penalty, under any ordinance of any city or village, shall be brought in the corporate name of the city or village as plaintiff; and no prosecution, recovery or acquittal, for the violation of any such ordinance, shall constitute a defense to any other prosecution of the same party for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate.
- 67. Fines and Licenses Paid Treasurer.] § 6. All fines and forfeitures for the violation of ordinances, when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation, at such times and in such manner as may be prescribed by ordinance.
- 68. Summons—Affidavit—Punishment.] § 7. In all actions for the violation of any ordinance, the first process shall be a summons: *Provided, however*, that a warrant for the arrest of the offender may issue in the first instance upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon such warrant shall, without unnecessary delay, be taken before the proper officer to be tried for the alleged offense. Any person upon whom any fine or

penalty shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work-house, house of correction, or other place provided by the city or village for the incarceration of offenders, until such fine, penalty and cost shall be fully paid: Provided, that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees shall have power to provide, by ordinance, that every person so committed shall be required to work for the corporation, at such labor as his or her strength will permit, within or without such prison, work-house, house of correction, or other place provided for the incarceration of such offenders, not exceeding ten hours each working day; and for such work the person so employed to be allowed, exclusive of his or her board, \$2 for each day's work on account of such fine and cost.

- 68. JURISDICTION OF JUSTICES, ETC. \ \ 8. Any and all justices of the peace and police magistrates shall have jurisdiction in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof.
- 70. Constables and Sheriffs May Serve Process, etc. ] § 9. Any constable or sheriff of the county may serve any process, or make any arrests authorized to be made by any city officer.
- 71. JURISDICTION OVER WATER.] § 10. The city or village government shall have jurisdiction upon all waters within or bordering upon the same, to the extent of three miles beyond the limits of the city or village, but not to exceed the limits of the state. [Amended in 1875; amendment repealed laws 1879.

#### ARTICLE VI.

#### OFFICERS-THEIR POWERS AND DUTIES.

#### SECTION. SECTION. 1. Officers enumerated. 8. Bribery—penalty. 2. Other officers-duties of the city mar-9. Mayor, etc., not to hold other office. 10. Duties of clerk. Appointment — vacancies — duties— Record of ordinances. Conservators of the peace—powers. powers. 13. Compensation of mayor.14. Compensation of aldermen, etc.15. Compensation of other officers.16. Administering oaths. 4. Oath-bond. 5. Commission—certificate—delivery to successor.

6. Qualifications of officers.

tracts.

7. Officers not to be interested in con-

- 72. Officers Enumerated.] § 1. There shall be elected, in all cities organized under this act, the following officers, viz: a mayor, a city council, a city clerk, city attorney, and a city treasurer.
- 73. OTHER OFFICERS—DUTIES OF CITY MARSHAL.] § 2. city council may, in its discretion, from time to time, by ordinance passed by a vote of two-thirds of all the aldermen elected, provide

for the election by the legal voters of the city, or the appointment by the mayor, with the approval of the city council, of a city collector, a city marshal, a city superintendent of streets, a corporation counsel, a city comptroller, or any or either of them, and such other officers as may by said council be deemed necessary or expedient. The city council may, by a like vote, by ordinance or resolution, to take effect at the end of the then fiscal year, discontinue any office so created, and devolve the duties thereof on any other city officer; and no officer, filling any such office so discontinued, shall have any claim against the city on account of his salary, after such discontinuance. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, and the observance and enforcement of the ordinances and laws; he shall possess the power and authority of a constable at common law, and under the statutes of this state.

- 74. APPOINTMENT—VACANCIES—DUTIES—POWERS.] § 3. All officers of any city, except where herein otherwise provided, shall be appointed by the mayor (and vacancies in all offices except the mayor and aldermen shall be filled by like appointment) by and with the advice and consent of the city council. The city council may, by ordinance not inconsistent with the provisions of this act, prescribe the duties and define the powers of all such officers, together with the term of any such office: *Provided*, the term shall not exceed two years [See § 15–18–32.]
- 75. OATH—BOND.] § 4. All officers of any city or village, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of ——— according to the best of my ability.

Which oath or affirmation, so subscribed, shall be filed in the office of the city clerk. And all such officers, except aldermen and trustees, shall, before entering upon the duties of their respective offices, execute a bond with security, to be approved by the city council or board of trustees, payable to the city or village, in such penal sum as may, by resolution or ordinance, be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer, according to law and the ordinances of said city or village: *Provided, however*, that in no case shall the mayor's bond be fixed at a less sum than three thousand dollars (\$3,000); nor shall the treasurer's bond be fixed at a less sum than the amount of the estimated tax and special assessments for the current year—which bonds shall be filed with the clerk (except the bond of the clerk, which shall be filed with the treasurer).

76. Commission—Certificate—Delivery, etc.] § 5. All of-

ficers elected or appointed under this act (except the clerk, aldermen and mayor, and trustees, shall be commissioned by warrant, under the corporate seal, signed by the clerk and the mayor or presiding officer of the city council or board of trustees. The mayor or president of the board of trustees shall issue a certificate of appointment or election, under the seal of the corporation, to the clerk thereof, and any person having been an officer of the city or village, shall, within five days after notification and request, deliver to his successor in office all property, books and effects of every description in his possession, belonging to the city or village, or appertaining to his said office; and upon his refusal to do so, shall be liable for all damages caused thereby, and to such penalty as may by ordinance be prescribed.

- 77. QUALIFICATIONS OF OFFICERS.] § 6. No person shall be eligible to any office who is not a qualified elector of the city or village, and who shall not have resided therein at least one year next preceding his election or appointment, nor shall any person be eligible to any office who is a defaulter to the corporation.
- 78. Not to be Interested in Contracts, etc.] § 7. No officer shall be directly or indirectly interested in any contract, work or business of the city, or the sale of any article, the expense, price or consideration of which is paid from the treasury, or by any assessment levied by any act or ordinance; nor in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said corporation.
- offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part, to be promised, offered or given to any member of the city council or board of trustees, or any officer of the corporation, after or before his election or appointment as such officer, any moneys, goods, right in action, or other property or anything of value, any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in the penitentiary for a term not exceeding two years, or shall be fined not exceeding \$5,000, or both, in the discretion of the court. Every officer who shall accept any such gift or promise, or undertaking to make the same under any agreement or understanding that his vote, opinion, judgment or action shall be influenced thereby, or shall be given in any question, matter, cause or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment under the city or village, and shall forfeit his office, and shall be punished by imprisonment in the peni-

tentiary not exceeding two years, or by a fine not exceeding \$5,000, or both, in the discretion of the court. Every person offending against either of the provisions of this section, shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury or in any court in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

80. NOT TO HOLD OTHER OFFICE.] § 9. No mayor, alderman, city clerk, or treasurer, shall hold any other office under the city gov-

ernment during his term of office.

81. DUTIES OF CLERK.] § 10. The clerk shall keep the corporate seal, to be provided under the direction of the city council or board of trustees, and all papers belonging to the city or village; he shall attend all meetings of the city council or board of trustees, and keep a full record of its proceedings in the journal; and copies of all papers duly filed in his office, and transcripts from the journals and other records and files of his office, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

- 82. Record of Ordinances.] § 11. The clerk shall record, in a book kept for that purpose, all ordinances passed by the city council or board of trustees, and at the foot of the record of each ordinance so recorded shall make a memorandum of the date of the passage and of the publication or posting of such ordinance, which record and memorandum, or a certified copy thereof, shall be *prima facie* evidence of the passage and legal publication or posting of such ordinances for all purposes whatsoever.
- 83. Conservators of the Peace—Powers.] § 12. The trustees in villages, the mayor, aldermen, and the marshal and his deputies, policemen and watchmen, in cities, if any such be appointed, shall be conservators of the peace; and all officers created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city or village or any criminal law of the state, commit for examination, and if necessary, detain such persons in custody over night or Sunday in the watch house, or any other safe place, or until they can be brought before the proper magistrate, and shall have and exercise such other powers, as conservators of the peace, as the city council or board of trustees may prescribe. All warrants for the violation of ordinances, and all criminal warrants to whomsoever directed, may be served and executed within the corporate limits of any such city or village by any policeman of such city or village; such policemen being hereby clothed with all the common law and statutory power of constables for such purposes. [As amended by laws of 1883.]

- 84. Compensation of Mayor.] § 13. The mayor of any city shall receive such compensation as the city council may by ordinance direct, but his compensation shall not be changed during his term of office.
- 85. Compensation of Aldermen, etc.] § 14. The aldermen and trustees may receive such compensation for their services as shall be fixed by ordinance: *Provided*, *however*, such compensation shall not exceed \$3 to each alderman or trustee for each meeting of the city council, or board of trustees, actually attended by him, and no other compensation than for attendance upon such meetings shall be allowed to any alderman or trustee for any services whatsoever. Such compensation shall not be changed, after it has been once established, so as to take effect as to any alderman or trustee voting for such change, during his term of office.
- 86. Compensation of Other Officers. § 15. All other officers may receive a salary, fees or other compensation to be fixed by ordinance, and after the same has been once fixed, such fees or compensation shall not be increased or diminished, to take effect during the term for which any such officer was elected or appointed; and every such officer shall make and return to the mayor, or president of the board of trustees, a semi-annual report, verified by affidavit, of all such fees and emoluments received by him.
- 87. Administering Oaths. § 16. The mayor of any city, and the clerk of any city or village, shall have power to administer oaths and affirmations upon all lawful occasions.

### ARTICLE VII.

#### OF FINANCE.

ECTION.		SECTION,	
I.	Fiscal year.		CITY COLLECTOR.
2.	Annual appropriation ordinance.	13.	His duties.
3.	Limitation—emergency—borrowing	14.	He shall report, etc.—publication.
	money.	15.	Not to detain money—penalty.
4.	Contracting liabilities limited.	16.	
	CITY TREASURER.		CITY COMPTROLLER.
-	His duties.	17.	His powers and duties.
5. 6.		18.	Council may define duties-transfer
	Funds kept separate.		of clerk's financial duties.
	Receipts.	19.	Record of bonds issued by city.
٥.	Monthly statements — warrants—vouchers—register.		GENERAL PROVISIONS.
9.	Deposit of funds—separate from his	20.	Further duties may be required of
	own.		officers.
IO.	Treasurer's annual report—publica-	21.	Appeal to finance committee.
	tion.	22.	Who may appoint subordinates—
II.	Warrants.		liability.
12.	Special assessment fund kept separ-	23.	Foreign insurance companies-li-

ate.

censes, etc.-penalties.

- 88. FISCAL YEAR.] § 1. The fiscal year of each city or village organized under this act shall commence at the date established by law for the annual election of municipal officers therein, or at such other times as may be fixed by ordinance.
- 89. Annual appropriation Ordinance.] § 2. The city council of cities, and board of trustees in villages, shall, within the first quarter of each fiscal year, pass an ordinance, to be termed the annual appropriation bill, in which such corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation; and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. No further appropriations shall be made at any other time within such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city or village, either by petition signed by them, or at a general or special election duly called therefor.
- 90. Limitation—Emergency—Borrowing Money, etc.] § 3. Neither the city council nor the board of trustees, nor any department or officer of the corporation, shall add to the corporation expenditures in any one year anything over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of the corporation shall exceed, in any one year, the amount provided for such improvement in the annual appropriation bill: Provided, however, that nothing herein contained shall prevent the city council or board of trustees from ordering, by a two-thirds vote, any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The city council or board of trustees may, by a like vote, order the mayor or president of the board of trustees and finance committee to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as is last above mentioned, for a space of time not exceeding the close of the next fiscal year-which sum, and the interest, shall be added to the amount authoized to be raised in the next general tax levy, and embraced therein. Should any judgment be obtained against the corporation, the mayor, or president of the board of trustees and finance committee, under the sanction of the city council or board of trustees, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next fiscal year-which sum and interest shall, in like manner, be added to the amount authorized to be raised in the general tax levy of the next year, and embraced therein.
  - 91. Contracting Liabilities Limited.] § 4. No contract

shall be hereafter made by the city council or board of trustees, or any committee or member thereof; and no expense shall be incurred by any of the officers or departments of the corporation, whether the object of the expenditure shall have been ordered by the city council or board of trustees or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided.

#### CITY TREASURER.

- 92. DUTIES OF TREASURER.] § 5. The treasurer shall receive all moneys belonging to the corporation, and shall keep his books and accounts in such manner as may be prescribed by ordinance, and such books and accounts shall always be subject to the inspection of any member of the city council or board of trustees.
- 93. Funds Kept Separate.] § 6. He shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto.
- 94. RECEIPTS.] § 7. He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment, and upon what account paid; and he shall also file copies of such receipts with the clerk, at the date of his monthly reports.
- MONTHLY STATEMENTS—WARRANTS—VOUCHERS, ETC.] § 8. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the city council or board of trustees, or such officer as may be designated by ordinance, (under oath), showing the state of the treasury at the date of such account, and the balance of money in the treasury. He shall also accompany such accounts with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him: which said warrants, with any and all vouchers held by him, shall be delivered to the clerk, and filed with his said account in the clerk's office, upon every day of such settlement. He shall return all warrants paid by him stamped or marked "paid." He shall keep a register of all warrants redeemed and paid, which shall describe such warrants, and show the date, amount, number, the fund from which paid, the name of the person to whom and when paid.
- 96. Deposit of Funds—Separate from His Own.] § 9. The treasurer may be required to keep all moneys in his hands, belonging to the corporation, in such place or places of deposit as may be designated by ordinance: *Provided, however*, no such ordinance shall be passed by which the custody of such money shall be taken from the treasurer and deposited elsewhere than in some regularly organized bank, nor without a bond to be taken from such bank, in such penal sum and with such security as the city council or board of

trustees shall direct and approve, sufficient to save the corporation from any loss; but such penal sum shall not be less than the estimated receipts for the current year from taxes and special assessments levied, or to be levied, by the corporation. The treasurer shall keep all moneys belonging to the corporation in his hands separate and distinct from his own moneys, and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office by the city council or board of trustees, who are hereby authorized to declare said office vacant; and in which case his successor shall be appointed, who shall hold his office for the remainder of the term unexpired of such officer so removed.

- 97. Annual Report—Publication.] § 10. The treasurer shall report to the city council or board of trustees, as often as required, a full and detailed account of all receipts and expenditures of the corporation, as shown by his books, up to the time of said report; and he shall, annually, between the first and tenth of April, make out and file with the clerk a full and detailed account of all such receipts and expenditures, and of all his transactions, as such treasurer, during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year: which account the clerk shall immediately cause to be published in a newspaper printed in such city, if there be one, and if not, then by posting the same in a public place in the clerk's office.
- 98. WARRANTS.] § 11. All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn, except as hereinafter provided.
- 99. Special Assessment Fund Kept Separate.] § 12. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever, unless to reimburse such corporation for money expended for such improvement.

#### CITY COLLECTOR.

100. HIS DUTIES.] § 13. It shall be the duty of the collector, when one is appointed, to preserve all warrants which are returned into his hands, and he shall keep such books and his accounts in such manner as the city council may prescribe. Such warrants, books, and all papers pertaining to his office, shall at all times be

open to the inspection of and subject to the examination of the mayor, city clerk, any member of the council, or committee thereof. He shall weekly, or oftener if required by the council, pay over to the treasurer all moneys collected by him from any source whatever, taking such treasurer's receipt therefor, which receipt he shall immediately file with the city clerk; but the city clerk shall, at the time, or on demand, give such tax collector a copy of any such receipt so filed.

- roi. Shall Report, etc.—Publication.] § 14. He shall make a report, in writing, to the council, or any officer designated by the council, of all moneys collected by him, the account whereon collected, or of any other matter in connection with his office, when required by the council or by any ordinance of the city. He shall also, annually, between the first and tenth of April, file with the clerk a statement of all the moneys collected by him during the year, the particular warrant, special assessment or account on which collected, the balance of moneys uncollected on all warrants in his hands, and the balance remaining uncollected at the time of the return on all warrants which he shall have returned, during the preceding fiscal year, to the city clerk. The city clerk shall publish or post the same, as hereinbefore required to be done in regard to the annual report of the treasurer. [See § 97.]
- 102. Not to Detain Money—Penalty.] § 15. The collector is hereby expressly prohibited from keeping the moneys of the city inhis hands, or in the hands of any person or corporation, to his use, beyond the time which may be prescribed for the payment of the same to the treasurer, and any violation of this provision will subject him to immediate removal from office.
- 103. EXAMINATION OF BOOKS—PAYING OVER.] § 16. All the city collector's papers, books, warrants and vouchers may be examined at any time by the mayor or clerk, or any member of the city council; and the collector shall every two weeks, or oftener if the city council shall so direct, pay over all money collected by him from any person or persons, or associations, to the treasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the clerk.

#### CITY COMPTROLLER.

there shall be any city comptroller appointed, if not, then the clerk) shall exercise a general supervision over all the officers of the corporation charged in any manner with the receipt, collection or disbursement of corporation revenues, and the collection and return of all such revenues into the treasury. He shall have the charge, custody and control of all deeds, leases, warrants, vouchers, books and papers

of any kind, the custody and control of which is not herein given to any other officers; and he shall, on or before the fifteenth day of May, in each year, and before the annual appropriations to be made by the city council or the board of trustees, submit to the city council or board of trustees a report of his estimates, as nearly as may be, of moneys necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, class the different objects and branches of expenditures, giving, as nearly as may be, the amount required for each; and for the purpose of making such report, he is authorized to require of all officers their statement of the condition and expenses of their respective offices or departments, with any proposed improvements and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year. He shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report he shall give such other information to the council or board of trustees as he may deem necessary, to the end that the city council or board of trustees may fully understand the money exigencies and demands upon the corporation for the current year.

shall be appointed in any city a comptroller, the city council may, by ordinance or resolution, confer upon him such powers, and provide for the performance of such duties by him, as the city council shall deem necessary and proper; and all the provisions of this act relating to the duties of city clerk, or the powers of city clerk in connection with the finances, the treasurer and collector, or the receipt and disbursements of the moneys of such city, shall be exercised and performed by such comptroller, if one there shall be appointed; and to that end and purpose, wherever in this act heretofore the word "clerk' is used, it shall be held to mean "comptroller;" and wherever the "clerk's office" is referred to, it shall be held to mean "comptroller's office "

106. RECORD OF BONDS ISSUED BY CITY.] § 19. The comptroller, when there shall be a comptroller, and if not, then the clerk, shall keep in his office, in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the city, showing the number and amount of each, for and to whom the said bonds are issued; and when any city bonds are purchased, or paid, or canceled, said book or books shall show the fact; and in his annual report he shall describe, particularly, the bonds sold during the year, and the terms of sale, with each and every item of expense thereof.

#### GENERAL PROVISIONS.

107. FURTHER DUTIES MAY BE REQUIRED, ETC.] § 20. The collector and treasurer, and all other officers connected with the receipt and expenditure of money, shall perform such other duties, and be subject to such other rules and regulations as the city council or board of trustees may, from time to time, by ordinance, provide and establish.

ment of the accounts of the collector or treasurer with the clerk (or comptroller if there be one), there shall be an appeal to the finance committee of the council or board of trustees, whose decision in all matters of controversy arising between said officers shall be binding, unless the city council or board of trustees shall otherwise direct and provide.

109. Who May Appoint Subordinates, etc.] § 22. The comptroller (if there shall be one), the clerk, treasurer and collector, shall, severally, appoint such various clerks and subordinates in their respective offices as the city council or board of trustees may authorize, and shall be held, severally, responsible for the fidelity of all persons so

appointed by them.

110. Foreign Insurance Companies, etc. ] § 23. All corporations, companies or associations not incorporated under the laws of this state, engaged in any city in effecting fire insurance, shall pay to the treasurer the sum of \$2 upon the \$100 of the net receipts by their agency in such city, and at that rate upon the amount of all premiums which, during the half year ending on every first day of July and January, shall have been received for any insurance effected or agreed to be effected in the city or village, by or with such corporations, companies or associations, respectively. Every person who shall act in any city or village as agent, or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the fifteenth day of July and January, in each year, render to the comptroller (if any there be, if not, to the clerk), a full, true and just account, verified by his oath, of all premiums which, during the half year ending on every first day of July and January preceding such report, shall have been received by him, or any other person for him, in behalf of any such corporation, company or association, and shall specify in said account the amounts received for fire insurance. Such agents shall also pay over to the treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinafter designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in any such city or village, until the said requisitions shall have been

fully complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding \$1,000, or imprisoned not exceeding six months, or both, in the discretion of the court. Said rates may also be recovered of such corporation, company or association, or its agent, by action in the name and for the use of any such city or village, as for money had and received for its use: *Provided*, that this section shall only apply to such cities and villages as have an organized fire department, or maintain some organization for the prevention of fires.

## ARTICLE VIII.

# OF THE ASSESSMENT AND COLLECTION OF TAXES.

SECTION

SECTION

1. Ordinance levying tax—limitation.

4. When tax levied for particular purpose

Manner of collecting.
 Time of paying over.

5. Tax to be uniform.

III. ORDINANCE LEVYING TAX—LIMITATION.] § 1. The city council in cities, and board of trustees in villages, may assess and collect taxes for corporate purposes, in the following manner: council or board of trustees, as the case may be, shall, on or before the third (3d) Tuesday in September, in each year, ascertain the total amount of appropriations for all corporate purposes, legally made, and to be collected from the tax levy of that fiscal year; and by an ordinance, specifying in detail the purposes for which such appropriations are made, and the sum or amount appropriated for each purpose, respectively, levy the amount so ascertained upon all the property subject to taxation within the city or village, as the same is assessed and equalized for state and county purposes for the current A certified copy of such ordinance shall be filed with the county clerk of the proper county, whose duty it shall be to ascertain the rate per cent. which, upon the total valuation of all property subject to taxation within the city or village, as the same is assessed and equalized for state and county purposes, will produce a net amount not less than the amount so directed to be levied; and it shall be the duty of the county clerk to extend such tax, in a separate column, upon the book or books of the collector or collectors of state and county taxes within such city or village: Provided, the aggregate amount of taxes levied for any one (1) year, exclusive of the amount levied for the payment of bonded indebtedness or the interest thereon, shall not exceed the rate of two (2) per centum upon the aggregate valuation of all property within such city or village, subject to taxation therein, as the same was equalized for state and county taxes of the preceding year. [As amended laws 1879.]

- be collected and enforced in the same manner and by the same officers as state and county taxes, and shall be paid over by the officers collecting the same to the treasurer of the city or village.
- 113. TIME OF PAYING OVER.] § 3. It shall be the duty of the officer collecting such tax to settle with and pay over to such treasurer, as often as once in two weeks from the time he shall commence the collection thereof, all such taxes as he shall then have collected, till the whole tax collected shall have been paid over.
- When the Tax Levied for Particular Purpose. § 4. Whenever any city or village is required to levy a tax for the payment of any particular debt, appropriation or liability of the same, the tax for such purpose shall be included in the total amount assessed by the city council or board of trustees, and certified to the county clerk as aforesaid; but the city council or board of trustees shall determine, in the ordinance making such assessment, what proportion of such total amount shall be applicable to the payment of such particular debt, appropriation or liability; and the city or village treasurer shall set apart such proportion of the tax collected and paid to him for the payment of such particular debt, appropriation or liability, and shall not disburse the same for any other purpose until such debt, appropriation or liability shall have been discharged.
- 115. TAX TO BE UNIFORM.] § 5. All taxes levied or assessed by any city or village, except special assessments for local improvements, shall be uniform upon all taxable property and persons within the limits of the city, and no property shall be exempt therefrom other than such property as may be exempt from taxation under the constitution and general laws of the state.

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# ARTICLE IX.

# SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

SECTION.			SECTION.	
I.	Powers conferred.	29.	Objections—judgment by default.	
2.	Ordinance for improvement.	30.	Hearing—jury.	
3.	When property is to be taken.	31.	Precedence.	
4.	Petition.	32.	Court may modify, etc., the assess-	
5.	Form of petition.	Ŭ.	ment.	
6.	Summons—publication—notice.	33.	Judgment several - appeal, etc	
7.	Hearing-jury.		lien.	
8.	Jury to ascertain compensation—admitting other parties.	34.	Judgment certified to city clerk—filing—warrant.	
9.	Viewing premises—ownership, etc.	35.	Form of warrant.	
10.	Judgment-new parties-further pro-		Collector's notice—form of.	
	ceedings.	37.	Manner of collecting—entry of pay-	
II.	Powers of court.	37	ment.	
12.	Ownership-further powers of court	. 38.	Report of delinquent list to county	
13.	Persons under disability.	9	collector—evidence—defense.	
14.	Judgment—effect—appeal, etc.	39.	Application for judgment—what laws	
15.	Order for possession.	0,	govern.	
16.	When improvement made by gen-	40.	Return of sales—redemption.	
	eral tax.	41.	Penalty when lands are sold for	
17.	Special taxation.		tax, etc.	
	SPECIAL ASSESSMENT.	42.	Paying over—compensation.	
	SPECIAL ASSESSMENT.	43.	General revenue laws apply.	
18.	How made.	44.	City or village may buy in.	
19.	Ordinance for—sidewalks—owner's rights.	45.	When assessments set aside—new assessment.	
20.	Estimate of cost.	46.	Supplemental assessments.	
21.	Order for proceedings in court.	47.	New assessments against delinquents	
22.	Petition in court.		—lien—limitation.	
23.	Appointment of commissioners -	48.	Contracts payable from assessments.	
	oath.	49.	How contracts let—approval.	
24.	Duty of commissioners.	50.	Lien.	
25.	Assessment roll—return of roll.	51.	Collection of assessment by suit.	
26.	Notice by mail, posting and publica- tion,	52.	Supplemental petition to assess benefits in condemnation cases.	
27.	Proof of notice.	53.	Adoption of this article.	
28.	Continuance when notice not in time.			

- 116. Powers Conferred.] § 1. That the corporate authorities of cities and villages are hereby vested with power to make local improvements by special assessment or by special taxation, or both, of contiguous property, or general taxation, or otherwise, as they shall by ordinance prescribe.
- 117. ORDINANCE FOR IMPROVEMENT.] § 2. When any such city or village shall, by ordinance, provide for the making of any local improvement, it shall, by the same ordinance, prescribe whether the same shall be made by special assessment, or by special taxation of contiguous property, or general taxation, or both.
- 118. WHEN PROPERTY IS TO BE TAKEN.] § 3. Should said ordinance provide for improvements which require the taking or damaging of property, the proceeding for making just compensation therefor shall be as follows:

- passed by the legislative authority of any such city or village, for the making of any improvement mentioned in the first section of this act, or any other local improvement that such city or village is authorized to make, the making of which will require that private property be taken or damaged for public use, such city or village shall file a petition in some court of record of the county in which such city is situated, in the name of the city, praying that "the just compensation to be made for private property to be taken or damaged for the improvement or purpose specified in such ordinance shall be ascertained by a jury."
- 120. FORM OF PETITION.] § 5. Such petition shall contain a copy of the said ordinance, certified by the clerk, under the corporate seal; a reasonably accurate description of the lots, parcels of land and property which will be taken or damaged, and the names of the owners or occupants thereof, so far as known to the board or officer filing the petition, and where any known owners are non-residents of the state, stating the fact of such non-residence.
- 121. Summons—Publication, etc.] § 6. Upon the filing of the petition aforesaid, a summons, which may be made returnable upon any day in term time, shall be issued and served upon the persons made parties defendant, as in cases in chancery. And in case any of them are unknown, or reside out of this state, the clerk of the court, upon an affidavit being filed showing such fact, shall cause publication to be made in some newspaper printed in his county, or, if there be no newspaper published in his county, then in some newspaper published in this state, containing notice of the pendency of such proceeding, the parties thereto, the title of the court, and the time and place of the return of the summons in the case, and the nature of said proceeding; such publication to be made for four weeks consecutively, at least once in each week, the first of which shall be at least thirty days before the return day of such summons. Notices so given by publication shall be sufficient to authorize the court to hear and determine the suit, as though all parties had been sued by their proper names and had been personally served. [As amended by act approved and in force March 30, 1874.]
- 122. HEARING—JURY.] § 7. Upon the return of said summons, or as soon thereafter as the business of the court will permit, the said court shall proceed to the hearing of such petition, and shall impanel a jury to ascertain the just compensation to be paid to all of such owners and occupants aforesaid; but if any defendant or party in interest shall demand, or the court shall deem it proper, separate juries may be impaneled as to the compensation or damages to be paid to any one or more of such defendants or parties in interest. [As amended by act approved and in force March 30, 1874.]

- 123. Jury to Ascertain Compensation, etc.] § 8. Such jury shall also ascertain the just compensation to be paid to any person claiming an intersest in any lot, parcel of land or property which may be taken or damaged by such improvement, whether or not such person's name, or such lot, parcel of land, or other property, is mentioned or described in such petition: *Provided*, such person shall first be admitted as a party defendant to said suit by such court, and shall file a statement of his interest in and description of the lot, parcel of land, or other property in respect to which he claims compensation.
- may upon the motion of such city or village, or of any person claiming any such compensation, direct that said jury (under the charge of an officer of the court) shall view the premises which it is claimed by any party to said proceeding will be taken or damaged by said improvement, and in any case, where there is no satisfactory evidence given to the jury as to the ownership of, or as to the extent of the interest of any defendant in the property to be taken or damaged, the jury may return their verdict as to the compensation or damage to be paid for the property or part of property to be taken or damaged, and for the entire interest therein. [As amended by act approved and in force March 30, 1874.]
- 125. JUDGMENT—NEW PARTIES, ETC.] § 10. Upon the return of such verdict, the court shall order the same to be recorded, and shall enter such judgment or decree thereon as the nature of the case may require. The court shall continue to adjourn the cause, from time to time, as to all occupants and owners named in such petition who shall not have been served with process, or brought in by publication, and shall order a new summons to issue and new publication to be made; and upon such occupants or owners being brought into court, shall impanel a jury to ascertain the compensation so to be paid to such defendant or defendants, for private property taken or damaged; and like proceedings shall be had for such purpose as hereinbefore provided for the ascertaining of compensation to other owners.
- 126. Powers of Court.] § 11. The court shall have power, at any time, upon proof that any such owner or owners named in such petition, who has not been served with process, has ceased to be such owner or owners since the filing of such petition, to impanel a jury and ascertain the just compensation to be made for the property (or the damage thereto) which had been owned by the person or persons so ceasing to own the same; and the court may, upon any finding or findings of any jury or juries, or at any time during the course of such proceedings, enter such order, rule, judgment or decree as the nature of the case may require.
  - 127. Ownership—Further Powers of Court.] § 12. No

delay in making an assessment of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners or claimants, but in such case the court may impanel a jury and ascertain the entire compensation or damage that should be paid for the property, or part of property, and the entire interests of all parties therein, and may require adverse claimants to interplead so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation.

- 128. Persons Under Disability.] § 13. When it shall appear, from said petition or otherwise, at any time during the proceedings upon such petition, that any infant, or insane or distracted person, is interested in any property that is to be taken or damaged, the court shall appoint a guardian, ad litem, for such infant or insane or distracted person, to appear and defend for him, her or them; and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant, or insane or distracted person, in such property, or the compensation which shall be awarded therefor.
- 129. JUDGMENT—EFFECT—APPEAL, ETC.] § 14. Any final judgment or judgments, rendered by said court, upon any finding or findings of any jury or juries, shall be a lawful and sufficient condemnation of the land or property to be taken upon the payment of the amount of such finding as hereinafter provided. It shall be final and conclusive as to the damage caused by such improvement, unless such judgment or judgments shall be appealed from; but no appeal or writ of error upon the same shall delay proceedings under said ordinance, if such city or village shall deposit, as directed by the court, the amount of the judgment and costs, and shall file a bond in the court in which such judgment was rendered, in a sum to be fixed and with security to be approved by the judge of said court, which shall secure the payment of any future compensation which may at any time be finally awarded to such party so appealing or suing out such writ of error, and his or her costs.
- 130. Order for Possession.] § 15. The court, upon proof that said just compensation so found by the jury has been paid to the person entitled thereto, or has been deposited as directed by the court (and bond given in case of any appeal or writ of error), shall enter an order that the city or village shall have the right, at any time thereafter, to take possession of or damage the property, in respect to which such compensation shall have been so paid or deposited, as aforesaid.
- 131. WHEN IMPROVEMENT MADE, ETC.] § 16. When the ordinance under which said improvement is ordered to be made shall provide that such improvement shall be made by general taxation, the

cost of such improvement shall be added to the general appropriation bill of such city or village, and shall be levied and collected with and as a part of the general taxes of such city or village.

132. SPECIAL TAXATION.] § 17. When said ordinance under which said local improvement shall be ordered shall provide that such improvement shall be made by special taxation of contiguous property, the same shall be levied, assessed and collected in the way provided in the sections of this act providing for the mode of making, levying, assessing and collecting special assessments.

### SPECIAL ASSESSMENT.

- 133. How Made.] § 18. When the ordinance under which said local improvement is ordered to be made shall provide that such improvement shall be wholly or in part made by special assessment, the proceedings for the making such special assessment shall be in accordance with the sections of this act [article] from 18 to 51, inclusive.
- 134. Ordinance for—Sidewalks, etc. § 19. Whenever such local improvements are to be made wholly or in part by special assessment, the said council in cities, or board of trustees in villages, shall pass an ordinance to that effect, specifying therein the nature, character, locality and description of such improvement: *Provided*, that whenever any such ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk shall be allowed fifteen days after the time at which such ordinance shall take effect in which to build or renew such sidewalk opposite his land, and thereby relieve the same from assessment: *Provided*, that the work so to be done shall in all respects conform to the requirements of such ordinance. [See § 62, item 7, and § 259–264.]
- 135. ESTIMATE OF COST.] § 20. The city council or board of trustees shall appoint three of its members, or any other three competent persons, who shall make an estimate of the cost of the improvement contemplated by such ordinance, including labor, materials and all other expenses attending the same, and the cost of making and levying the assessment, and shall report the same in writing to said city council or board of trustees.
- 136. Order for Proceedings in Court.] § 21. On such report being made, and approved by the council or board of trustees, as the case may be, it may order a petition to be filed by such officer as it shall direct, in the county court of its county, for proceedings to assess the cost of such improvement in the manner provided in this act.
  - 137. Petition to Court.] § 22. The petition shall be in the

name of the corporation, and shall recite the ordinance for the proposed improvement and the report of such commission, and shall pray that the cost of such improvement may be assessed in the manner prescribed by law.

138. APPOINTMENT OF COMMISSIONERS—OATH.] § 23. Upon the filing of such petition the court shall appoint three competent persons as commissioners, who shall take and subscribe an oath, in substance as follows, to-wit:

STATE OF ILLINOIS, county. ss.

139. Duty of Commissioners. § 24. It shall be the duty of such commissioners to examine the locality where the improvement is proposed to be made, and the lots, blocks, tracts and parcels of land that will be specially benefitted thereby, and to estimate what proportion of the total cost of such improvement will be of benefit to the public, and what proportion thereof will be of benefit to the property to be benefitted, and apportion the same between the city or village and such property, so that each shall bear its relative equitable proportion; and having found said amounts, to apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefitted by such improvement: Provided, that no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefitted: And, provided, further, that it shall not be necessary for said commissioners to examine the locality except where the ordinance provides for the opening, widening or improvement of streets and alleys. [As amended by act approved and in force March 30, 1874.]

[\$ 25, repealed by act approved April 25, 1873.]

140. ASSESSMENT ROLL—RETURN.] § 26. They shall also make or cause to be made an assessment roll, in which shall appear the names of the owners, so far as known, a description of each lot, block, tract or parcel of land, and the amount assessed as special benefits thereto, and in which they shall set down as against the city or village the amount they shall have found as public benefit, and certify such assessment roll to the court by which they were appointed, at least ten days before the first day of the term at which a final hearing thereon shall be had. [As amended by act approved and in force March 30, 1874.]

141. Notice by Mail—Posting, etc.] § 27. It shall also be

the duty of such commissioners to give notice of such assessment, and of the term of court at which a final hearing thereon will be had, in the following manner:

First—They shall send by mail to each owner of premises assessed, whose name and place of residence is known to them, a notice, substantially in the following form:

(Here give date.)

Second—They shall cause at least ten days' notice to be given, by posting notices in at least four public places in such city or village, two of which shall be in the neighborhood of such proposed improvement; and when a daily newspaper is published in such city or village, by publishing the same at least five successive days in such daily newspaper, or if no daily newspaper is published in such city or village, and a weekly newspaper is published therein, then at least once in each week, for two successive weeks, in such weekly newspaper, or if no daily or weekly newspaper is published in such city or village, then in a newspaper published in the county in which such city or village is situated. The notice may be substantially as follows:

# SPECIAL ASSESSMENT NOTICE.

	***************************************
(Here give date.)	
	Commissioners

[As amended by act approved April 25, 1873; in force July 1, 1873.]

the affidavit of one or more of the commissioners shall be filed in said court, stating that they have sent or caused to be sent by mail, to the owners whose premises have been assessed, and whose name and place of residence are known to them, the notice hereinbefore required to be sent by mail to owners of premises assessed. They shall also cause to be filed the affidavit of the person who shall have posted the notices required by this act to be posted, setting forth when and in what manner the same were posted. Such affidavits shall be received as *prima facie* evidence of a com-

pliance with this act in regard to giving such notices. They shall also file a certificate of publication of said notice in like manner as is required in other cases of publication of notices. [As amended by act approved April 25, 1873; in force July 1, 1873.]

- 143. CONTINUANCE WHEN NOTICE NOT IN TIME.] § 29. If ten days shall not have elapsed between the first publication or the putting up of such notices and the first day of the next term of such court, the hearing shall be continued until the next term of court.
- 144. OBJECTIONS—JUDGMENT BY DEFAULT.] § 30. Any person interested in any real estate to be effected by such assessment, may appear and file objections to such report, and the court may make such order in regard to the time of filing such objections as may be made in cases at law in regard to the time of filing pleas. As to all lots, blocks, tracts and parcels of land to the assessment of which objections are not filed within the time ordered by the court, default may be entered, and the assessment confirmed by the court.
- 145. Hearing—Jury.] § 31. On the hearing, the report of the commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law, and if it shall appear that the premises of the objector are assessed more or less than they will be benefitted, or more or less than their proportionate share of the cost of the improvement, the jury shall so find, and also find the amount for which such premises ought to be assessed, and judgment shall be rendered accordingly.
- 146. PRECEDENCE.] § 32. The hearing in all cases arising under this act shall have precedence over all other cases in such court, except criminal cases.
- 147. COURT MAY MODIFY, ETC.] § 33. The court before which any such proceeding may be pending, shall have authority, at any time before final adjournment [judgment], to modify, alter, change, annul or confirm any assessment returned, as aforesaid, or cause any such assessment to be recast by the same commissioners whenever it shall be necessary for the attainment of justice, or may appoint other commissioners in the place of all or any of the commissioners first appointed, for the purpose of making such assessment, or modifying, altering, changing or recasting the same, and may take all such proceedings and make all such orders as may be necessary to make a true and just assessment of the cost of such improvement according to the principles of this act, and may from time to time, as may be necessary, continue the application for that purpose as to the whole or any part of the premises.
- 148. JUDGMENT SEVERAL—APPEAL, ETC.] § 34. The judgment of the court shall have the effect of a several judgment as to each tract or parcel of land assessed, and any appeal from such judg-

ment or writ of error shall not invalidate or delay the judgment, except as to the property concerning which the appeal or writ or error is taken. Such judgment shall be a lien upon the property assessed, from the date thereof until payment shall be made.

- 149. JUDGMENT CERTIFIED TO CITY CLERK, ETC.] § 35. The clerk of the court in which such judgment is rendered shall certify the assessment roll and judgment to the clerk of such city or village, or if there has been an appeal or writ of error taken on any part of such judgment, then he shall certify such part of the judgment as is not included in such appeal or writ of error. The clerk of the city or village shall file such certificate in his office, and issue a warrant for the collection of such assessment.
- 150. FORM OF WARRANT.] § 36. The warrant in all cases of assessment under this act shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of land assessed, and the respective amounts assessed on each lot, block, tract or parcel of land, and shall be delivered to the officer authorized to collect such special assessments. Such warrant shall give sufficient authority to collect the assessments therein specified.
- 151. COLLECTOR'S NOTICE—FORM OF.] § 37. The collector receiving such warrant shall immediately give notice thereof by publishing such notice in one or more newspapers in such city or village, if such newspaper is there; and if there is no such newspaper, then by posting four copies thereof in public places along the line of the proposed improvement. Such notice may be substantially in the following form:

SPECIAL ASSESSMENT NOTICE-SPECIAL WARRANT NO .-

Public notice is hereby given that the (here insert title of court) has rendered judgment for a special assessment upon property benefitted by the following improvement (here insert the character and location of the improvement in general terms) as will more fully appear from the certified copy of the judgment on file in the office of the clerk of the city (or village) of.....; that a warrant for the collection of such assessments is in the hands of the undersigned. All persons interested are hereby notified to call and pay the amounts assessed, at the collector's office, (here insert location of office) within thirty days from the date hereof.

Dated this......day of....., A. D. 18....., Collector.

152. Manner of Collecting, etc.] § 38. It shall be the duty of the collector into whose hands the warrant shall so come, as far as practicable, to call upon all persons resident within the corporation whose names appear on the assessment roll, or the occupants of the property assessed, and personally, or by written or printed notice left at his or her usual place of abode, inform them of such assessment, and request payment of the same. Any such collector omitting so to do shall be liable to a penalty of \$10 for every such

omission, but the validity of the special assessment, or the right to apply for and obtain judgment for any such special [assessment,] shall not be affected by such omission. It shall be the duty of such collector to write the word "paid" opposite each tract or lot on which the assessment is paid, together with the name and post office address of the person making the payment, and date of payment.

- 153. REPORT OF DELINQUENT LIST, ETC. \ 39. It shall be the duty of the collector of special assessments, within such time as the city council or board of trustees may by ordinance provide, to make a report in writing—to the general officer of the county authorized, or to be designated by the general revenue law of this state, to apply for judgment and sell lands for taxes due the county and state—of all the lands, town lots and real property on which he shall have been unable to collect special assessments, with the amount of special assessments due and unpaid thereon, together with his warrant, or with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof; which report shall be accompanied with the oath of the collector that the list is a correct return and report of the lands, town lots and real property on which the special assessments levied by authority of the city of...... (or village of......, as the case may be), remain due and unpaid; that he is unable to collect the same or any part thereof, and that he has given the notice required by law that said warrants had been received by him for collection. Said report, when so made, shall be prima facie evidence that all the forms and requirements of the law in relation to making said return have been complied with, and that the special assessments mentioned in said report are due and unpaid. And, upon the application for judgment upon such assessments, no defense or objection shall be made or heard which might have been interposed in the proceedings for the making of such assessment, or the application for the confirmation thereof.
- 154. APPLICATION FOR JUDGMENT, ETC.] § 40. When said general officer shall receive the report provided for in the preceding section, he shall proceed to obtain judgment against said lots, parcels of land and property for said special assessments remaining due and unpaid, at the same time and in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county and state; and shall in the same manner proceed to sell the same for the said special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officers shall be governed by the general revenue laws of this state, except when otherwise provided herein. No application for judgment against lands for unpaid special assessments shall be made at a time different from the annual application for judgment against lands, upon which general taxes remain due and unpaid. The application for judgment upon delinquent special as-

sessments in each year, shall include only such special assessments as shall have been returned as delinquent to the county collector, on or before the first day of April, in the year in which such application is made. [As amended by laws of 1883.]

- 155. RETURN OF SALES—REDEMPTION.] § 41. After making said sales, the list of lots, parcels of land and property sold thereat shall be returned to the office of the county clerk, and redemption may be made as provided for by the general revenue law of this state.
- the collector shall receive any moneys for taxes or assessments, giving a receipt therefor for any land or parcel of land, and afterwards return the same as unpaid to the state officers authorized to sell lands for taxes, or shall receive the same after making such return, and the same be sold for tax or assessment which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate given to the purchasers at the sale, for double the amount of the face of the certificate, to be demanded in two years from the date of the sale, and recovered in any court having jurisdiction of the amount; and the city or village shall, in no case, be liable to the holder of such certificate.
- 157. PAVING OVER—Compensation.] § 43. The collector or collectors, and the general officer aforesaid, to whom the said warrant shall be returned, shall pay over to the city or village treasurer to which it shall belong all moneys collected by them, respectively, upon or by virtue of such warrant, or upon any sale for taxes or otherwise, at such time or times, and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collection of such assessment as the ordinances of the city or village may provide, except when such compensation is fixed by general law.
- 158. General Revenue Laws Apply.] § 44. The general revenue laws of this state, in reference to proceedings to recover judgments for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes and redemption from tax sales, except as herein otherwise provided, shall be applicable to proceedings to collect such special assessment.
- 159. CITY OR VILLAGE MAY BUY IN.] § 45. Any city or village interested in the collection of any tax or special assessment, may become a purchaser at any sale of real or personal property to enforce the collection of the same, and may, by ordinance, authorize and make it the duty of one or more city or village officers to attend such sales, and bid thereat in behalf of the corporation.

- 160. When Assessments Set Aside, etc.] § 46. If any assessment shall be annulled by the city council or board of trustees, or set aside by any court, a new assessment may be made and returned, and like notice given and proceedings had, as herein required in relation to the first; and all parties in interest shall have the like rights, and the city council or board of trustees and court shall perform like duties and have like power in relation to any subsequent assessment, as are hereby given in relation to the first assessment.
- 161. SUPPLEMENTAL ASSESSMENTS.] § 47. If, in any case, the first assessment prove insufficient, a second may be made in the same manner, as nearly as may be, and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall, at any time, be raised, the excess shall be refunded ratably to those by whom it was paid.
- If, from any cause, any city or village shall fail to collect the whole or any portion of any special assessment which may be levied, which shall not be canceled and set aside by the order of any court, for any public improvement authorized to be made and paid for by special assessment, the city council or board of trustees may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency, and interest thereon from the date of such original assessment—which assessment shall be made, as near as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payment shall have been made on such former assessment, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual, either in whole or in part, the city council or board of trustees may, at any time within said period of five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands, or been encumbered, subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expense of all public improvements, to be paid for by a special assessment, a charge upon the property assessed therefor, for the full period of five years, from the confirmation of the original assessment, and for such longer period as may be required to collect, in due course of law, any new assessment ordered within that period.
- 163. CONTRACTS PAYABLE FROM ASSESSMENTS.] § 49. All persons taking any contracts with the city or village, and who agree to be paid from special assessments, shall have no claim or lien upon the city or village in any event, except from the collections of the special assessments made for the work contracted for.

- 164. How Contracts Let—Approval.] § 50. All contracts for the making of any public improvement, to be paid for in whole or in part by a special assessment, and any work or other public improvement, when the expense thereof shall exceed \$500, shall be let to the lowest responsible bidder, in the manner to be prescribed by ordinance—such contracts to be approved by the mayor or president of the board of trustees: *Provided, however*, any such contract may be entered into by the proper officer without advertising for bids, and without such approval, by a vote of two-thirds of all the aldermen or trustees elected.
- 165. Lien.] § 51. All special assessments levied by any city or village under this act, shall, from the date of assessment, be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such special assessments are paid. And the same proceedings may be resorted to by the collector, upon any warrant or order issued or made for the collection of special assessments, as in the case of the collection of state and county taxes under the general laws of the state.
- 166. Collection of Assessment by Suit.] § 52. At any time after the same becomes due, it shall and may be lawful for any collector thereof to commence suit in any court of record, in the corporate name of such city or village, against any person or persons, for the total amount of special assessments which such person or persons are liable for the payment of. Such suit shall be commenced by petition, and shall state the several amounts of the special assessments sought to be recovered and give a general description of the warrant or warrants issued for the collection thereof. Upon the filing of the petition a summons shall be issued, served and returned as in other suits in such court. Upon the return of such summons, duly served, the court shall forthwith proceed to the hearing of said petition without formal pleadings, and may render judgment for all or any part of the special assessments, as the right and justice of the case may require. The original, or a certified copy (by the clerk, under the corporate seal,) of such warrant or warrants and list or lists, or so much thereof as refers to the special assessments to be recovered, shall be prima facie evidence of the right of said collector to a judgment in favor of such corporation. Execution shall issue on such judgment as in other cases, but such execution may be first levied upon and collected from any personal property of the defendant; or the court, in which such proceedings were had, may, upon complaint of the city or village, issue a scire facias against the person or persons liable for such payment, to show cause why execution should not be issued against him or them for the amount of such assessment; and if, upon the return of such scire facias, good cause is not shown why execution should be issued, the court may award execution against such person or persons in the usual form of execution upon judgment at law.

- 167. Supplemental Petition to Assess, etc. \ \ 53. Whenever any city or village shall apply to any court for the purpose of making just compensation for property taken or damaged by such proceedings as are authorized by this act, such city or village may file in the same proceeding a supplemental petition, praying the court to cause that an assessment be made for the purpose of raising the amount necessary to pay the compensation and damages which may be or shall have been awarded for the property taken or damaged, with the costs of the proceeding. The said court shall have power, at any time after any such supplemental petition shall have been filed, to appoint three commissioners to make such assessment, and to ascertain, as near as may be, the costs incurred to the time of such appointment, and the probable further costs of the proceedings, including therein the estimated costs of making and collecting such assessment, and shall direct such costs to be included by such commissioners in making said assessment. Like proceedings in making said assessment shall be had, and the assessment shall be made, collected and enforced in the same manner, as near as may be, as is provided in this article in other cases. [As amended by act approved and in force March 30, 1874.]
- 168. ADOPTION OF THIS ARTICLE.]. § 54. Any city or incorporated town or village may, if it shall so determine by ordinance, adopt the provisions of this artice without adopting the whole of this act; and where it shall have so adopted this article, it shall have the right to take all proceedings in this article provided for, and have the benefit of all the provisions hereof.

## ARTICLE X.

## (MISCELLANEOUS PROVISIONS)—WATER.

### SECTION.

## SECTION.

- Water—borrow money.
   Acquiring property for water works—jurisdiction over.
  - works—6. Inhabitants competent as jurors, etc.
    7. Population—census.
- Regulations—rates—taxation, etc.
   Tax-payer may enforce rights in name of city, etc.
- Municipal year.
   City or village need not give appeal bond

Maps-approval of.

169. Water—Borrow Money.] § 1. The city council or board of trustees shall have the power to provide for a supply of water by the boring and sinking of artesian wells, or by the construction and regulation of wells, pumps, cisterns, reservoirs or water works, and to borrow money therefor, and to authorize any person or private corporation to construct and maintain the same at such rates as may be fixed by ordinance, and for a period not exceeding thirty years; also to prevent the unnecessary waste of water; to prevent the pol-

lution of the water, and injuries to such wells, pumps, cisterns, reservoirs, or water works. [See § 230-239.]

- 170. Acquiring Property for Water Works, etc.] § 2. For the purpose of establishing or supplying water works, any city or village may go beyond its territorial limits, and may take, hold and acquire property by purchase or otherwise; shall have power to take and condemn all necessary lands or property therefor, in the manner provided for the taking or injuring private property for public uses; and the jurisdiction of the city or village to prevent or punish any pollution or injury to the stream or source of water, or to such water works, shall extend five miles beyond its corporate limits, or so far as such water works may extend. [See § 232.]
- 171. REGULATIONS—RATES—TAXATION, ETC.] § 3 The city council or board of trustees shall have power to make all needful rules and regulations concerning the use of water supplied by the water works of said city or village, and to do all acts and make such rules and regulations for the construction, completion, management or control of the water works, and for the levying and collecting of any water taxes, rates or assessments, as the said city council or board of trustees may deem necessary and expedient; and such water taxes, rents, rates or assessments may be levied or assessed upon any lot or parcel of ground, having a building or buildings thereon, which shall abut or join any street, avenue or alley in such city or village through which the distributing pipes of such water works (if any) of said city or village are or may be laid, which can be conveniently supplied with water from said pipes: Provided, [whether] the water shall be used on such lot or parcel of ground or not; and the same, when so levied or assessed, shall become a continuing lien or charge upon such lot or parcel of ground, building or buildings, situated thereon, and such lien or charge may be collected or enforced in such manner as the city council may, by ordinance prescribe. And the corporate authorities may levy a general tax for the construction and maintenance of such water works, and appropriate money therefor.
- 172. Tax-Payers May Enforce Rights, etc.] § 4. A suit may be brought by any tax payer, in the name and for the benefit of the city or village, against any person or corporation, to recover any money or property belonging to the city or village, or for any money which may have been paid, expended, or released without authority of law: *Provided*, that such tax-payer shall file a bond for all costs, and be liable for all costs in case the city or village be cast in the suit, and judgment shall be rendered accordingly.
- 173. MAPS—APPROVAL OF.] § 5. The city council or board of trustees shall have power to provide, by ordinance, that any map, plat or subdivision of any block, lot, sub-lot, or part thereof, or of any piece or parcel of land, shall be submitted to the city council or board of trustees, or to some officer to be designated by such council

or board of trustees, for their or his approval; and in such cases no such map, plat or subdivision shall be entitled to record in the proper county, or have any validity until it shall have been so approved.

- 174. INHABITANTS COMPETENT AS JURORS, ETC.] § 6. No person shall be an incompetent judge, justice or juror, by reason of his being an inhabitant or freeholder in said city or village, in any action or proceeding in which said city or village may be a party in interest.
- 175. Population—Census.] § 7. Whenever in this act any provision thereof is based upon the number of inhabitants, [the number of inhabitants] of the city or village shall be determined by reference to the latest census taken by authority of the United States or this state, or of such city or village; and it shall be the duty of the secretary of state, upon the publication of any state or United States census, to certify to each city or village the number of inhabitants, as shown by such census. Any city or village may, by ordinance, provide for the taking of a census of the population thereof, in order to determine the number of such population for any and all purposes of this act. And the several courts in this state shall take judicial notice of the population of any city or village, as the same may appear from the latest federal, state, city or village census so taken.
- 176. MUNICIPAL YEAR.] § 8. The term "municipal year" shall be construed to mean the period elapsing between the regular annual election, unless otherwise provided by ordinance.
- 177. CITY OR VILLAGE NEED NOT GIVE APPEAL BOND.] § 9. When in any suit the city or village prays an appeal from the judgment of any court of this state to a higher court, it shall not be required to furnish an appeal bond.

NOTE-[From \$177 to \$194 the incorporation act applies to villages alone.]

#### FERRIES AND BRIDGES.

- AN ACT to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits and to control the same. Approved and in force May 5, 1879.
- 194. BRIDGES—FERRIES—LIMITS—TOLL.] § 1. That it shall be lawful for any city or village within this state to build, or acquire by purchase, lease or gift, and to maintain ferries and bridges, and the approaches thereto, for each ferry or bridge within the corporate limits, or at any point within five (5) miles of the corporate limits of such city or village. That all such ferries and bridges shall be free to the public and no toll shall ever be collected by any such city or village authority: *Provided*, that where any city or village has become

or is the owner of any toll bridges or ferries, and is keeping up and maintaining the same by authority of law, all ownership and rights vested in such city or village shall continue in and be held and exercised by them, and they may from time to time fix the rates of toll

on such bridges and ferries:

And, provided, further, that in all cases where a bridge shall hereafter be built, or ferry acquired across a navigable stream by any city or village, in whole or in part, where the population of such city or village furnishing the principal part of the expenses thereof shall not exceed five thousand (5,000) inhabitants, and where it is necessary to maintain a draw and lights, and a debt shall be incurred by such city or village for such purpose, then a reasonable toll may be collected by the city or village contracting such indebtedness, to be set apart and appropriated to the payment of such indebtedness, interest thereon and the expenses of keeping such bridge in repair, and of maintaining, opening and closing the proper draws therefor, and lights; or in case of a ferry, of keeping the approaches and boat in repair and operating the same. [As amended by act approved May 25, 1881; in force July 1, 1881.]

194a. CONTROL BY CITY.] § 2. Every bridge and ferry so owned or controlled by such city or village, and the approaches thereto, when outside the corporate limits, shall be subject to the municipal control and ordinances of such city or village, the same to all intents and purposes, and in effect as though such bridge or ferry and the approaches thereto, were situated within the corporate limits of such city or village, and in such case, the county may assist in the construction of said bridge, as is now provided by law.

194b. EMERGENCY.] § 3. WHEREAS, Certain cities in this state, have built bridges outside of their corporate limits, over which they have no police control; therefore an emergency exists, and this act shall be in force from and after its passage.

## TRAVEL ON BRIDGES IN CITIES, TOWNS, ETC.

AN ACT to regulate the manner of travel upon bridges, the whole or a part of which are owned or controlled by cities, villages and towns of this state, and to provide for the enforcing of the same. Approved and in force May 13, 1879.

194c. Penalty for Fast Driving, etc.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whoever shall ride or drive faster than a walk, over any bridge in this state, owned or controlled, either the whole or a part thereof, by any city, village or town of this state, shall, for each offense, be fined in a sum not exceeding ten dollars nor less than one

dollar, Provided, that a notice shall be posted on such bridge, warning against riding, or driving, on such bridge faster than a walk, such fine to be recovered, with costs, before any justice of the peace or police magistrate of the county where the offense is committed, upon sworn complaint in writing, upon which a warrant for the arrest of the offender shall issue, and it shall be the duty of every constable of the county, and every marshal, policeman and police constable, and all other officers of such city, village or town, owning or controlling the whole or in part such bridge, having the power to make arrests, whenever aforesaid offense is committed in the view of such officer or officers, to forthwith take in custody the person or persons so committing aforesaid offense, and bring him or them before any justice of the peace or police magistrate of the county, to be dealt with according to law, and such officer so taking in custody such offender, or any officer of such city, village or town, owning or controlling the whole or a part of such bridge where such offense is committed, may make the complaint upon which warrant shall issue against the offender, all fines collected under this act, shall be paid into the common school fund of the county. WHEREAS, the law is inadequate for the protection of bridges which are owned or controlled, the whole or a part thereof, by cities, villages and towns of this state, therefore an emergency exists, and this act shall take effect from and after its passage.

# ANNEXING AND EXCLUDING TERRITORY.

AN ACT to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages. Approved April 10, 1872; in force July 1, 1872.

### SECTION.

SECTION.

- I. Petition to be annexed—annexing.
- 2. Annexing one corporation to another,
- 3. Proceeding by corporation to annex territory.
- 4. Notice of proceedings.
- Objections to annexation-trial.
- 6. Finding-costs, etc.

- 7. Proceedings by owners to be annex-
- 8. Proceedings to disconnect.
- Map and ordinance recorded.
   School districts may use this act.
- Judicial notice of change.

195. PETITION TO BE ANNEXED, ETC. \ \ 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That on petition, in writing, signed by not less than three-fourths of the legal voters, and by the owners of not less than three-fourths (in value) of the property in any territory contiguous to any city or incorporated village or town, and not embraced within its limits, the city council or board of trustees of said city, village or town (as the case may be) may, by ordinance, annex such territory to such city, village or town, upon filing a copy of such ordinance, with an accurate map of the territory annexed (duly certified by the mayor of the city or president of the board of trustees of the village or town), in the office of the recorder of deeds in the county where the annexed territory is situated, and having the same recorded therein: *Provided*, that no portion, less than the whole of an incorporated city, town or village, shall be annexed to another incorporated city, town or village, except in the mode provided in this act for the annexation of the whole of an incorporated city, town or village, to another city, town

or village.

196. Annexing one Corporation to Another.] § 2. incorporated city, village or town may be annexed to another incorporated city, village or town, by ordinance passed by a two-thirds vote of all the aldermen or trustees elect of each corporation desiring annexation: Provided, such annexation shall not affect or impair any rights or liabilities either in favor of or against such corporations; and suits founded upon such rights and liabilities may be commenced, and pending suits may be prosecuted and carried to final judgments and execution, the same as if such annexation had not taken place. In making such annexation, the corporations so uniting may, by ordinance, fix the terms of the annexation, which shall have the force and effect of a binding contract: Provided, however, that no such ordinance shall be of any binding force or effect until submitted to a vote of the legal voters of such city, town or village, at a general election thereof, and adopted by a majority of all the voters voting thereon at such election, notice of which shall be given at the same time and in the same manner as required for the election of the officers of such city, town or village. And, provided, also, that the vote shall be by ballot, which shall be "for union ordinance," or "against union ordinance," and shall be received, canvassed and returned the same as ballots for municipal officers of such city, town or village.

197. PROCEEDING BY CORPORATION TO ANNEX, ETC. ] § 3. When any incorporated city, village or town shall desire to annex any contiguous territory thereto, and the same shall not have been petitioned for as provided in section one of this article, it shall be lawful for the city council or board of trustees of such city, village or town, by a two-thirds vote of all the aldermen or trustees elect, by ordinance or resolution, to authorize the mayor of such city or the president of the board of trustees of such village or town, to petition the circuit court of the county in which the territory desired to be annexed or a major part thereof is situated, praying such annexation to be made. The petition shall contain a copy of such ordinance or resolution, and an accurate map of the territory which it is desired to annex, showing all such subdivisions that shall have been made therein. Such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard: Provided, that nothing in this section contained shall authorize said petition to be filed unless the territory so sought to be annexed (except territory intervening between a city and town, or two more cities or towns, desiring to become united under this act,) shall contain an actual resident population of at least one hundred and fifty inhabitants to each section or fractional part of a section so sought to be annexed—which said fact shall be alleged in said petition and proved on the hearing thereof, the same as any other allegation in said petition.

- 198. Notice of Proceedings.] § 4. When it shall be determined to present such petition, the mayor or president of the board of trustees (as the case may be) shall cause notice of the time and place where and when the petition will be or has been filed, and at what term of court the hearing thereof will be had, and setting fourth the boundaries or a general description of the territory proposed to be annexed—to be given by publication at least once in each week, for two successive weeks, in some newspaper published in the county where the petition is filed or to be filed (or, if no newspaper is published in such county, then in the nearest newspaper published in this state,) and by posting up notices at least fourteen days before such time of hearing, in at least three of the most public places in the territory proposed to be annexed, and a like number in the city, village or town to which it is desired to annex such territory.
- voters resident upon the territory thus proposed to be annexed, or any of them, or any owner of land therein, or any voter of such city, village or town, may appear at such hearing and show cause why such annexation should not be made; and the court, or a jury impaneled for that purpose (no member of the jury so impaneled shall be a resident of the corporation or territory to be annexed, nor of the town or towns in which said corporation or territory may be situated,) shall hear all competent evidence that may be offered by either party; and the court may continue the hearing from time to time, for any cause, and make all proper orders in regard to the hearing, giving of notices and other disposition of the case.
- 200. FINDING—Costs, etc.] § 6. If, upon the hearing, the court or the jury shall find that such territory ought to be annexed to such city, village or town, and can so be done without injustice to the inhabitants or persons interested, the court shall so order. If the court or jury shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners; and no subsequent petition shall be presented for the annexation of any of the territory embraced in such petition, within one year from the time of entering such order: *Provided*, that new trials may be granted as in other jury cases.
- 201. PROCEEDINGS BY OWNERS TO BE ANNEXED.] § 7. When not less than a majority in number of the legal voters or the

owner or owners of any tract or tracts of land, contiguous to any incorporated city, village or town, shall, by petition, in writing, signed by them, and filed in the circuit court of the county where such territory or a major part thereof is situated, pray to be annexed to such city, village or town, the like proceedings may be had thereon, and with the like effect, as in case of a petition by a city, village or town: *Provided*, a copy of the notice required to be given shall be left with the mayor of such city, or president of such village or town, at least ten days before such petition is heard.

- 202. PROCEEDINGS TO DISCONNECT.] § 8. Whenever a majority of the legal voters of any territory within any city, town or village, and being upon the border and within the boundary thereof, shall petition the circuit court of the county in which such city, town or village is situated, praying to be disconnected therefrom, such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard, and like proceedings shall be had as is required by section four, five and six of the act for the annexation of territory to such city, town or village: *Provided*, that the provisions of this section shall only apply to lands not laid out into city or town lots or blocks.
- 203. MAP AND ORDINANCE RECORDED.] § 9. When any territory is annexed to any city, village or town, as provided in this act, it shall be the duty of the mayor of the city, or the president of the board of trustees of the village or town, (as the case may be,) to cause an accurate map of such added territory, together with the ordinance for the anexation, certified by such mayor, and if a decree or order of the court has been made therefor, a copy of the same, to be filed for record and recorded in the recorder's office for the county in which such added territory is situated. If territory is disconnected or excluded from any city, village or town, a copy of the ordinance or decree therefor shall be so filed for record and recorded.
- 204. School Districts May Use this Act.] § 10. All school districts, and other corporations incorporated for school purposes, under special acts of the legislature, desiring to annex or disannex territory, may proceed under the provisions of this act.
- 205. JUDICIAL NOTICE OF CHANGE.] § 11. All courts in this state shall take judicial notice of cities, towns and villages, and of the changes of their territory, made under the provisions of this act.
- AN ACT in relation to the disconnection of Territory from Cities and Villages. Approved and in force May 29, 1879.
- 205a. DISCONNECTING TERRITORY.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whenever the owners representing a majority of the area of land of any territory within any city or village, and being upon the border and within the boundary thereof, and not laid out into city or village

lots or blocks, shall petition the city council of such city, or the trustees of such village, praying the disconnection of such territory therefrom; such petition shall be filed with the city clerk of such city, or the president of the trustees of such village, accompanied with a certificate of the county clerk, showing that all city taxes or assessments due up to the time of presenting such petition are fully paid, at least ten days before the meeting of such city council, or trustees, at which it is proposed to present such petition, and the city clerk of such city, or president of the trustees of such village, shall present such petition to the city council or trustees, as the case may be, and upon such presentation, the city council of such city or trustees of such village may, by ordinance, to be passed by a majority of the members elected to such city council or board of village trustees, disconnect the territory described in such petition from such city or Provided, however, that the territory so disconnected, shall not thereby be exempted from taxation, for the purpose of paying any indebtedness contracted by the corporate authorities of such city or village, while such territory was within the limits thereof, and remaining unpaid, but the same shall be assessed and taxed for the purpose of paying such indebtedness, the same as if such territory had not been disconnected, until such indebtedness is fully paid.

205b. Ordinance Recorded.] § 2. A copy of the ordinance disconnecting territory from any city or village, certified by the clerk of such city, or president of the trustees of such village, shall be filed for record and recorded in the recorder's office of the county in which such disconnected territory is situated, and another copy of such ordinance, so certified, shall be filed with the clerk of the county court of the county in which such disconnected territory is situated.

205c. Judicial Notice.] § 3. All courts in this state shall take judicial notice of cities and villages, and of the changes made in their territory, under this act.

205d. REPEAL.] § 4. All acts and parts of acts in conflict with this act are hereby repealed.

205e. EMERGENCY.] § 5. WHEREAS, there is no valid law in force in this state enabling cities and villages to decrease their corporate limits, and special legislation therefor by the General Assembly is forbidden by the constitution of this state, therefore an emergency exists why this act should take effect immediately: therefore this act shall take effect and be in force from and after its passage.

#### HOUSES OF ILL-FAME.

AN ACT to prevent the licensing of houses of ill-fame, and the official inspection or medical examination of the inmates thereof, in the incorporated cities, towns and villages of this state. Approved and in force March 27, 1874.

SECTION. SECTION.

- Licensing and medical inspection for- 2. Emergency. bidden.
- 217. LICENSING, ETC.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be unlawful for the corporate authorities of any city, town or village in this state to grant a license to any person, male or female, to keep what is known as a house of ill-fame or house of prostitution. And it shall be unlawful for any board of health (or any member or employee of the same) now existing, or which may hereafter exist under the laws of this state, to interfere in the management of any house of ill-fame or house of prostitution, or to provide in any manner for the medical inspection or examination of any inmate of the same.
- 218. EMERGENCY.] § 2. WHEREAS, the legislative authorities of certain cities in this state are about to license houses of ill-fame, therefore an emergency exists why this act should take effect immediately: therefore, this act shall take effect and be in force from and after its passage.

#### WATER WORKS.

AN ACT to enable cities and villages to contract for a supply of water for public use, and to levy and collect a tax to pay for water so supplied. Approved April 9, 1872; in force July 1, 1872.

SECTION.

SECTION.

- 1. Power to contract for water.
- 2. Tax.
- 242. POWER TO CONTRACT, ETC.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all cities and villages where water works may hereafter be constructed by an incorporated company, the city or village authorities in such cities and villages may contract with such incorporated company for a supply of water for public use, for a period not exceeding thirty years.
- 243. Tax.] § 2. Any such city or village so contracting may levy and collect a tax on all taxable property within such city or village, to pay for the water so supplied.

## SALARIES OF CITY OFFICERS.

AN ACT to enable the corporate authorites of cities to establish and fix the salaries of city officers. Approved and in force April 23, 1873.

 When to be fixed—not changed dur- 2. Emergency, ing term.

244. WHEN TO BE FIXED, ETC.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, It shall and may be lawful for the common council or legislative authority of any city in this state to establish and fix the amount of salary to be paid any and all city officers, as the case may be, except members of such legislative body, in the annual appropriation bill or ordinance made for the purpose of providing for the annual expenses of any such city, or by some ordinance prior to the passage of such annual appropriation bill or ordinance; and the salaries or compensation thus fixed or established, shall neither be increased nor diminished by the said common council or legislative authority of any such city, after the passage of said annual appropriation bill or ordinance, during the year for which such appropriation is made, and no extra compensation shall ever be allowed to any such officer or employee over and above that provided in manner aforesaid. [See §84-85.7

245. EMERGENCY.] § 2. WHEREAS the corporate authorities of certain cities in this state have no power to establish or fix salaries of their city officers in certain cases, whereby an emergency exists requiring this act to take immediate effect: therefore, this act shall

take effect and be in force from and after its passage.

# REBATE AND REDUCTION OF TAXES, ETC.

AN ACT to prevent the unjust collection, by incorporated cities and towns, of taxes levied upon property destroyed by fire, and to authorize the common council of such cities, or board of trustees of such towns, to change or amena appropriation bills, to pass new appropriation bills, to reduce taxes and special assessments in certain cases, and to discontinue special improvements. Approved and in force January 18, 1872.

SECTION.

#### SECTION.

- I. Rebate when property destroyed.
- 2. Reduce or release tax or assessment.
- 250. REBATE WHEN PROPERTY DESTROYED.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whenever, in any incorporated city or town in this state, any property listed or assessed for municipal taxation, shall have been or shall hereafter be destroyed by fire, in whole or in part, before the levy of the municipal taxes of such city thereon, or before the municipal taxes levid thereon shall have been collected, it shall and may be lawful for the mayor of such city or town—if there be no mayor, then the president of the board of trustees, the city comptroller, if there should be one; and if not, then the city clerk or town clerk, and the tax commissioner, if there should be one; if not, then the chairman of the finance committee of the city council, or board of trustees—to rebate or remit so much of said tax or taxes,

so levied upon such property, as in their opinion should be rebated or remitted by reason of such property having been, in whole or in part, destroyed by fire.

251. REDUCE OR RELEASE TAX, ETC.] § 2. That whenever, in any incorporated city or town in this state, any large portion of the taxable property of such city shall have been or shall hereafter be destroyed by fire, so as to seriously impair or affect the ability of the property owners of such city or town to pay taxes or special assessments thereon, and an appropriation bill has been made or passed, or special improvements ordered before such fire, and the tax or assessment for the payment or raising of the same has not been levied or collected, it may be lawful for the city council or board of trustees of any such town to alter, revise, change, reduce or vacate, or repeal such appropriation bill, or any part of the same, and to order the discontinuance of said special improvements, or any of the same, or to reduce the amount of taxes or special assessments ordered to be levied, or assessed, or collected for any general or special purpose, and to pass a new appropriation bill; which new appropriation bill shall have same force and effect as if the same had been passed within the time prescribed by the charter of any such city or such corporate town.

## SEWERAGE, WATER AND LIGHT TAXES.

AN ACT in relation to the levy and collection of taxes for sewerage and water works in cities of this state, that may have established a system of sewerage and water works for such city, and to repeal and act therein named, and to authorize the cities, villages and incorporated towns of this state to levy and collect taxes to pay for water and light. Approved June 21, 1883; in force July 1, 1883.

#### SECTION.

SECTION.

I. Sewerage fund tax.

3. Repeal.

2. Sewerage fund and light tax.

253. SEWERAGE FUND TAX.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That the legislative authority of any city which now has, or may hereafter have established a system of sewerage for such city shall have power, annually, to levy and collect a tax upon the taxable real and personal estate of such city, not to exceed one mill on a dollar, for the extension and laying of sewers therein, and the maintenance of such sewers, which tax shall be known as "The Sewerage Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: Provided, however, that the board of public works of such city, if any, or the head of the sewer department of such city, shall first certify to such legisla-

tive authority the amount that will be necessary for such purpose: *Provided, further*, that a two-thirds majority of all the members elect of the legislative authority of such city, may levy a tax for such purposes, not to exceed three mills on each dollar of the taxable property of such city.

254. SEWERAGE FUND AND LIGHT TAX. \ \ 2. The legislative authority of any city which now has, or which may hereafter have established or hired water works, for the supply of water to the inhabitants thereof, shall have power to annually levy and collect a tax upon the taxable real and personal estate of any such city, whether organized under a special charter or the general law, not to exceed one mill on the dollar, for the extension of water mains or pipes therein, and the maintenance of such water works, or to the creation of a sinking fund to be applied to the establishment of water works, which tax shall be known as the "Water Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: Provided, that the board of public works of such city, if any, or the head of the water department of such city, shall first certify to such legislative authority, the amount that will be necessary for such purposes, and shall further certify that the revenue or income from such water works will be insufficient therefor: Provided, further, that twothirds majority of all the members elect of the legislative authority of such city may levy a tax for such purposes, not to exceed three mills on each dollar of the taxable property of such city: And, provided, further, that the legislative authority of each of the cities, villages and incorporated towns in this state, with the concurrence of two-thirds of the members thereof, shall be authorized to levy, and collect annually, upon the taxable property within its limits, in addition to all other taxes now authorized by law, a tax of not exceeding three mills on the dollar of such taxable property to be used exclusively for the purpose of lighting streets, and a further tax of not exceeding two mills on the dollar of such taxable property, to be used exclusively for the purpose of supplying water to such city, village or incorporated town: Provided, also, that nothing in this act shall be so construed as to increase the amount of aggregate taxes that may be levied in any one year by any city or village as provided in section one (1), of article VIII of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872.

255. REPEAL.] § 3. An act entitled "An act in relation to the levy and collection of taxes for sewerage and water works in the cities of this state, that may have established a system of sewerage and water works for such city," approved and in force April 22, 1871,

is hereby repealed.

#### TAXES.

AN ACT in regard to the assessment and collection of municipal taxes. Approved May 23, 1877; in force July 1, 1877.

256. How May be Assessed and Collected.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all cities, villages, and incorporated towns, in this state whether organized under the general law or special charters, shall assess and collect their taxes in the manner provided for in article eight (8) of the act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, and in the manner provided for in the general revenue laws of this state; and all acts, or parts of acts, inconsistent with the provisions of this act, are hereby repealed. [See § 111–115.]

SURPLUS FUND OF TAX.

AN ACT to prohibit any city, town or village in this state from receiving from the county treasury a greater proportion of the surplus fund or tax, than shall be received by any other city, town or village within the same county. Approved May 4, 1877, and in force July 1, 1877.

SECTION.

SECTION.

I. Proportion of tax.

- 2. Drawback—amount city, etc., may receive.
- 257. PROPORTION OF TAX.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That no city, town or village within any county in this state, shall be entitled to or shall receive from the county treasury of such county any greater proportion of surplus of all taxes which may be collected for county purposes, than any other city, town or village within the county.
- 258. Drawback—Amount City, etc.] § 2. Nor shall any such city, town or village be entitled to, or receive from the county treasury any greater drawback of its proportion of the taxes paid into the county treasury, by reason of any appropriation by the county board, out of the county treasury for the making and repairing of roads and highways, the building and repairing of bridges in such county, without any such city, town or village within such county, than is now allowed by law to all other cities, towns and villages within the same county. Any acts, or parts of acts, conflicting with this act, are hereby repealed.

### LABOR ON STREETS.

AN ACT providing for labor on the streets and alleys of all cities and villages in this state. Approved May 31, 1879; in force July 1, 1879.

SECTION.

SECTION.

1. Labor on streets, etc.

2. Fines and penalties.

258a. LABOR ON STREETS, ETC.] § 1. Be ti enacted by the People of the State of Illinois, represented in the General Assembly, That the city council in all cities and the president and board of trustees in all villages in this state, may have power, by ordinance, to require every able bodied male inhabitant of any such city or village, above the age of twenty-one years, and under the age of fifty years (excepting, paupers, idiots, lunatics, and such others as are exempt by law), to labor on the streets and alleys of any such city or village, not more than two (2) days in each year; but such ordinance shall provide for commutation of such labor at seventy-five cents per day.

258b. Fines and Penalties. ] § 2. Any such city council or president and board of trustees or any such village shall have power, by ordinance, to provide such fines and penalties as may be necessary to enforce the provisions of this act.

> WWR Woodbu SIDEWALKS.

AN ACT to provide additional means for the construction of sidewalks in cities, towns and villages. In force July 1, 1875.

#### SECTION.

#### SECTION.

- I. Sidewalks by taxation.
- What ordinance may provide. In case of default to construct side- 6.
- 5. General officer to obtain judgment by what law governed.
  - When constructed by owner, may obtain order.
- 4. Special tax-duty of clerk-report.

259. SIDEWALKS BY TAXATION.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in addition to the mode now authorized by law, any city or incorporated town or village may by ordinance provide for the construction of sidewalks therein, or along or upon any street or part of street therein, and may, by such ordinance, provide for the payment of the whole or any part of the cost thereof by special taxation of the lot, lots or parcels of land touching upon the line where any such sidewalk is ordered, and such special taxation may be either by a levy on any lot of the whole, or any part of the cost of making any such sidewalk in front of such lot or parcel of land, or by levying the whole or any part of the cost upon each of the lots or parcels of land touching upon the line of such sidewalk, pro rata, upon each of said lots or parcels, according to their respective values—the values to be determined by the last preceding assessment thereof for the purpose of state and county taxation; or the whole or any part of the cost thereof may be levied upon such lots or parcels of land in proportion to their frontage upon such sidewalks, or in proportion to their superficial area, as may be provided by the ordinance ordering the laying

down of such sidewalk; and in case such ordinance shall only require the payment of a part of the cost of such sidewalk to be paid by special tax as aforesaid, then the residue of such cost shall be paid out of any fund of such city, town or village raised by general taxation upon the property thereof, and not otherwise appropriated.

- 260. WHAT ORDINANCE MAY PROVIDE. ] § 2. Said ordinance shall define the location of such proposed sidewalk with reasonable certainty, shall prescribe its width, the materials of which it shall be constructed, and the manner of its construction, and may provide that the materials and construction shall be under the supervision of, and subject to the approval of some officer or board of officers of such city, town or village, to be designated in said ordinance. Said ordinance shall be published as required by law for other ordinances of said city, town or village, and may require all owners of lots or parcels of land touching the line of said proposed sidewalk, to construct a sidewalk in front of their respective lots or parcels in accordance with the specifications of said ordinance, within thirty days after such publication, and in default thereof, said materials to be furnished and sidewalk to be constructed by said city, town or village, and the cost, or such part thereof as may be fixed in said ordinance, may be collected from the respective owners of said lots or parcels of land as hereinafter provided.
- 261. IN CASE OF DEFAULT, ETC.] § 3. In case of the default of any lot owner or owners to construct the sidewalks, as required by ordinance, and the same shall be constructed by the city, town or village, the cost thereof, or such part of the cost thereof as may have been fixed by said ordinance, may be recovered of the owners so in default, by an action of debt in the name of the city, town or village, against such owners respectively, in any court of competent jurisdiction, or upon the completion of the work by such city, town or village. Such ordinance may provide that a bill of the cost of such sidewalk, showing in separate items the cost of grading, materials, laying down and supervision, shall be filed in the office of the clerk of such city, town or village, certified to by the officer or board designated by said ordinance to take charge of the construction of such sidewalk, together with a list of the lots or parcels of land touching upon the line of said sidewalk, the names of the owners thereof, and the frontage, superficial area, or assessed value as aforesaid, according as said ordinance may provide for the levy of said cost by frontage, superficial area or assessed value; whereupon said clerk shall proceed to prepare a special tax list against said lots or parcels, and the owners thereof, ascertaining by computation the amount of special tax to be charged against each of the said lots or parcels and the owners thereof, on account of the construction of said sidewalk, according to the rule fixed for the levy of such special tax by said ordinance, which special tax list shall be filed in the office of said clerk; and said clerk shall

thereupon issue warrants directed to such officer as may be designated in such ordinance, for the collection of the amount of special tax so ascertained and appearing from said special tax list to be due from the repective owners of the lots or parcels of land touching upon the line of said walk; and such officer shall proceed to collect such warrants in the same manner as constables are authorized to collect executions, and make return thereof, together with the moneys collected, to-the clerk of such city, town or village, within sixty days from the date of their issue; and in case any such warrant shall be returned, as to the whole or any part thereof, "no property found," other warrants may issue, and proceeding by garnishment may be resorted to as in case of garnishment in aid of collection of judgments at law, and all moneys so collected and paid over to said clerk, shall be, by him, immediately paid over to the treasurer of said city, town or village.

262. Special Tax—Duty of Clerk, etc.] § 4. Upon the failure to collect such special tax as heretofore provided in this act, it shall be the duty of said clerk, within such time as said ordinance may provide, to make report of all such special tax, in writing, to such general officer of the county as may be authorized by law to apply for judgment against, and sell lands for taxes due the county or state, of all the lots or parcels of land upon which such special tax shall be so unpaid, with the names of the respective owners thereof, so far as the same are known to said clerk, and the amount due and unpaid upon each tract, together with a copy of the ordinance ordering the construction of said sidewalk, which report shall be accompanied by the oath of the clerk that the list is a correct return of the lots and parcels of land on which the special tax levied by authority of said city, town or village, for the cost or partial cost (as the case may be) of the sidewalk in said ordinance specified, remains due and unpaid, and that the amounts therein stated as due and unpaid have not been collected, nor any part thereof. Said report when so made, shall be prima facie evidence that all the forms and requirements of the law in relation to making such return have been complied with, and that the special tax as mentioned in said report, is due and unpaid.

263. GENERAL OFFICER TO OBTAIN JUDGMENT, ETC.] § 5. When said general officer shall receive the aforesaid report, he shall at once proceed to obtain judgment against said lots or parcels of land for said special tax remaining due and unpaid, in the same manner as may be provided by law for obtaining judgment against lands for taxes due and unpaid the county and state, and shall in the same manner proceed to sell the same for the said special tax due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of the state, except when otherwise provided herein, and said general laws shall also be applicable to the execution of certificates of sale, and deeds

thereon, and the force and effect of such sales and deeds; and all other laws in relation to the enforcment and collection of taxes, and redemption from tax sales, shall be applicable to proceedings to collect such special tax, except as herein otherwise provided.

264. When Constructed by Owner, etc.] § 6. Whenever payment of the costs of any such sidewalk is required to be made in part by special tax, and in part out of the general fund of such city, town or village, and the owner of any such lot or parcel of land shall construct such sidewalk in accordance with the ordinance providing for its construction, such owner shall file with the clerk of such city, town or village, an itemized statement of the cost of such sidewalk so constructed by him, verified by affidavit, together with a certificate of the officer or board directed by such ordinance to superintend the construction thereof, that such sidewalk has been constructed and fully completed by such owner in accordance with such ordinance, and the council of such city, town or village shall thereupon, at its first meeting thereafter, allow and order to be issued to such owner an order on the treasurer of such city, town or village, for the cost of the construction of such sidewalk, less the amount of special tax chargeable to the lot or parcel of land of such owner on the line of which such sidewalk has been so constructed. [Approved April 15, 1875.]

#### ELECTIONS.

AN ACT to provide for the time of opening and closing the polls during elections of cities, towns and villages in this state. Approved May 29, 1879; in force July 1, 1879.

265. TIME OF OPENING AND CLOSING POLLS.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all city, town or village elections, in this State, the polls shall remain open from eight (8) o'clock A. M., until seven (7) o'clock P. M., any law in any special charter to the contrary notwithstanding.

## PUNISHMENT OF PERSONS VIOLATING ORDINANCES.

AN ACT to provide for the punishment of persons violating any of the ordinances of the several cities and villages in this state. Approved and in force April 12, 1879.

SECTION. SECTION.

- 1. Arrest—imprisonment—work-house. 2. Repeal.
- 267. ARREST—IMPRISONMENT, ETC.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all actions for the violation of any ordinance of any city or

village organized under any general or special law of this state, the first process shall be a summons: Provided, however, that a warrant for the arrest of the offender may issue in the first instance, upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe that the party charged is guilty thereof; and any person arrested upon such warrant, shall, without unnecessary delay, be taken before the proper officer, to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work-house, house of correction, or other place provided by such cities or villages by ordinance for the incarceration of such offenders until such fine, penalty, and cost shall be fully paid: Provided, that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees of any such cities or villages shall have power to provide by ordinance that every person so committed shall be required to work at such labor as his or her strength will permit, within and without such prison, work-house, house of correction or other place provided for the incarceration of such offenders, not to exceed ten hours each working day; and for such work the person so employed, or worked, shall be allowed, exclusive of his or her board, the sum of fifty cents for each day's work on account of such fine and costs.

268. Repeal.] § 2. All acts and parts of acts inconsistent with the foregoing section are hereby repealed.

#### SUITS-HOW BROUGHT.

AN ACT entitled "An act in regard to suits by incorporated cities and villages, and to enforce penalties and recover fines for violating the ordinances thereof." Approved May 31, 1879; in force July 1, 1879.

270. SUITS—How BROUGHT, ETC.] § 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all actions to recover any fine, or to enforce any penalty, under any ordinance of any city or village in this state, shall be brought in the corporate name of the city or village, as plaintiff, and no prosecution, recovery or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same party, for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate.

[NOTE—Only such parts of the statutes are included in this revision as are applicable to the city of Danville at present time.]

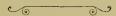


## THE REVISED

## ORDINANCES

OF THE

# GITY OF DANVILLE.



PUBLISHED BY AUTHORITY OF THE GITY GOUNGIL.



REVISED AND ARRANGED BY

MANN, CALHOUN & FRAZIER.

DANVILLE, ILL.:
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1883.



### AN ORDINANCE

FOR REVISING AND CONSOLIDATING THE GENERAL ORDINANCES OF THE CITY OF DANVILLE.

WHEREAS, It is expedient that the General Ordinances of this City should be consolidated and arranged in appropriate chapters and sections, and that an index of the whole should be made, therefore,

Be it ordained by the City Council of the City of Danville in manner following, that is to say:

#### CHAPTER I.

#### ADDITIONS, MAPS AND PLATS.

#### SECTION.

#### SECTION.

I. Additions to correspond with streets.

proval. etc.

- Plats must be submitted to council.
   Penalty for recording plat before ap-
- 4. Penalty for selling lots, etc.5. Certificate of approval.
- 5. Certificate of approval.

Additions Must Correspond with Established Streets.] § 1. • Any addition which may hereafter be made to the city of Danville, or any lands adjoining or within the same, which may be laid out into lots or blocks, shall be so laid out, surveyed and platted, that the blocks or other subdivisions thereof shall conform to the regular blocks of the original town plat, or with the regular blocks of the additions adjoining such lands or additions so proposed to be laid out, and the streets and alleys shall correspond with, and conform to the previously established streets and alleys with which they may connect, and continue the same. [R. O. 1876]

PLATS MUST BE SUBMITTED TO CITY COUNCIL.] § 2. Any person who shall survey or plat any addition to the city of Danville, or any lands adjoining or within the same, into lots, blocks, or other subdivisions, or shall re-subdivide any block, lot, sub-lot, out-lot, or part thereof, within said city, shall submit the map, plat, or subdivision thereof to the city council for its approval; and no such map, plat or subdivision shall be valid, or be admitted to record in the office of the recorder of deeds in and for Vermilion county, until the same has been so submitted, and approved by the city council.

Penalty for Recording.] § 3. Any person who shall, as owner of the land so surveyed or platted, or as the agent of any such owner, cause to be recorded in the recorder's office of Vermilion county, any such map, plat or subdivision mentioned in section 2, without having the same submitted to and approved by the said city council, before filing the same in said recorder's office for record, shall be fined not less than twenty-five dollars nor more than one hundred dollars.

Penalty for Selling Lots, etc.] § 4. Any person who, as owner of the land so surveyed or platted, or as the agent of any such owner, shall sell, or offer for sale any lot, block, subdivision, or part thereof, in any such addition, division or subdivision of lands as mentioned in section 2, hereof, before the map, plat or subdivision thereof has been approved by said city council, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

CERTIFICATE OF APPROVAL.] § 5. If the city council approve any map or plat of any addition, or subdivision submitted to, is as herein provided, a certificate of such approval shall be endorsed upon said map or plat, signed by the mayor and attested by the city clerk.

#### CHAPTER II.

#### AMUSEMENTS.

#### SECTION. SECTION. Classification of amusements. 11. Minors forbidden at shows where liquors sold. License for required. 12. Indecent plays. 3. Licenses and fees. Good order to be maintained. 13.

- 4. Class and fee decided by mayor. 5. License by the year. 6. License subject to ordinances.
- 7. Entertainments where liquors are sold. Proprietors of halls to see that license is obtained.
- 9. Chairs, etc., in aisles forbidden. 10. Persons loitering in hall-ways or on
- sidewalks forbidden.

- Disorderly conduct. 14.
- Processions on street forbidden-15. When.
- 16. Shooting galleries.
- 17. Rate of license. 18. Target shooting in uninclosed places forbidden.
- Shooting firearms. 19.
- Lung-testers, galvanic batteries, etc.

CLASSIFICATION OF AMUSEMENTS. ] § 1. For the purpose of providing for the licensing and taxation of theatricals, shows, amusements, and all public exhibitions for gain, the same are hereby divided into three classes, which shall be known as the first, second and third class, viz:

First—Entertainments of a regular dramatic or operatic character, and negro minstrels, given in theatres or opera houses shall be known as entertainments of the first class.

Second—Concerts, or other musical entertainments, public readings, exhibitions of paintings or statuary, panoramas, performance of feats of jugglery, sleight-of-hand, or necromancy, exhibitions of natural or artificial curiosities, variety shows, and other entertainments of every kind in this section not mentioned, which may be given in theatres, opera houses or public halls, shall be known as entertainments of the second class.

*Third*—Circuses, menageries, caravans, hippodromes, side shows, and concerts, minstrel or musical entertainments given under a canvass, exhibitions of monsters or freaks of nature, and all exhibitions that may be given under a canvass not herein specifically mentioned shall be known as entertainments of the third class.

LICENSE REQUIRED.] § 2. No person, or persons, shall give any entertainment mentioned in this chapter within the limits of the city, for gain, without a license therefor first had and obtained from the mayor, under the seal of the city, under a penalty of not less than ten dollars and not exceeding two hundred dollars for each and every such entertainment given in violation of this chapter: Provided, that for concerts, exhibitions, musical entertainments, lectures or dramatic entertainments given by or for some home association, society or church, no license shall be required.

LICENSES AND FEES.] § 3. Each license shall express for what it is granted, and the time it is to continue; and the following license fees shall be charged for each license granted, and shall be paid to the city clerk, viz:

First-For entertainments of the first class not less than five

dollars for every performance or exhibition.

Second—For entertainments of the second class not less than

three dollars for each performance or exhibition.

Third—For entertainments of the third class, the following sums, viz: For each circus, or menagerie, or circus and menagerie combined, and each hippodrome the sum of fifty dollars for each day; for each side show with any menagerie, circus, or hippodrome, twenty dollars for each and every day; for each concert, musical or minstrel entertainment, given under a canvass, the sum of ten dollars. For any other entertainment of the third class a sum of not less than ten dollars is to be charged.

CLASS AND FEE DECIDED BY MAYOR, ETC.] § 4. The mayor shall determine in every case, where application is made for a license under this chapter, the class to which the entertainment belongs, and the amount of the license fee to be paid where it is not specifically fixed by this chapter; and the person to whom the license is granted shall pay the license fee to the city clerk, who shall issue the license, and the same shall be signed by the mayor.

LICENSE BY THE YEAR.] § 5. The owner or lessee of any hall or theatre, in which the entertainments given are, as a rule, of a dramatic or operatic character, and the admission price, as a rule, is not less than fifty cents, may take out a yearly license for the sum of two hundred dollars per year, and the occupants of such hall or theatre shall thereby become exempt from license during such year, and the owner or lessee of any theatre, hall or other building, where the entertainments given are of the second class, and the admission price does not exceed twenty-five cents, on the payment of three hundred dollars may take out a yearly license, and such owner or lessee or the occupants of such theatre, hall, or other building shall thereby become exempt from any further license for such year. Licenses may be issued under this section for a quarter of a year, upon the payment of one quarter of the yearly license fee.

LICENSES SUBJECT TO ALL ORDINANCES.] § 6. Every license granted under the provisions hereof, shall be subject to the ordinances of the city existing when the same shall be issued, or which shall thereafter be passed, so far as the same shall apply.

ENTERTAINMENTS WHERE LIQUORS ARE SOLD.] § 7. No person shall be allowed to give any concert, musical entertainment, dramatic or variety show, or entertainment of any kind, in any licensed saloon, or place where intoxicating liquors are sold, or in

any place the entrance to which shall be through a saloon, without a special permit from the city council; any person violating this section shall be fined not less than ten dollars, nor more than two hundred dollars for each violation.

§ 8. Owners, Lessees or Agents to See License is Obtained.] It shall be the duty of every proprietor, lessee, or the agent of either in charge, of any theatre, hall, or other building where public entertainments are given, before he permits any person or persons to use the same for giving any entertainment therein for gain, to see that a license therefor is obtained as herein required, or to obtain the same himself, either in his own name, or in the name of the person or persons proposing to give such entertainment, under a penalty of not less than five dollars, nor more than fifty dollars for each offense.

CHAIRS, ETC., IN AISLES.] \ 9. No chairs, stools, or seats of any description shall be placed or permitted to remain in the aisles or passage-ways, in any theatre, hall, or other public building, when the same is occupied by the public, under a penalty of not less than ten dollars nor more than one hundred dollars for each and every violation of this section. It shall be the duty of the city marshal and all members of the police force to see that this section is strictly observed; and in case of any violation thereof, to forthwith proceed to clear any obstructed aisle or passage-way, and to arrest the offender or offenders.

Persons in Hall-ways.] § 10. It shall not be lawful for boys, or other persons, to loiter or stand in any lobby, hall-way or outer entrance to any theatre, hall or other public building, or on the sidewalk adjacent to, and within fifty feet of such entrance, after a request to move on, made by the owner, lessee or manager of the entertainment, or any police officer, under a penalty of not less than one dollar, nor more than twenty-five dollars for each offense.

§ 11. MINORS AT VARIETY SHOWS WHERE LIQUORS ARE SOLD FORBIDDEN.] Whoever shall by himself, his agent or clerk, admit any minor to any theatre, hall, room or other place where any concert, variety show, or any entertainment of any kind is given, and where wine, beer, or any intoxicating liquors are sold or distributed, or shall permit such minor to remain, or be in any such theatre, hall or room, or other place, shall be fined not less than twenty dollars nor more than one hundred dollars for each offense.

INDECENT PLAY.] § 12. No license shall be granted for, or if granted, the same shall not be held to authorize, the enacting or performance of, any indecent or lewd play or exhibition of any kind; and any person giving, exhibiting, or taking part in any such play or exhibition shall be fined not less than five dollars nor more that two hundred dollars.

GOOD ORDER SHALL BE MAINTAINED.] § 13. Any person giving or conducting any exhibition, show or amusement, shall preserve good order in and about the place of his exhibition or amusement, and if necessary for that purpose shall employ at his own expense, sufficient police force; and any neglect or failure to so maintain and preserve such good order shall subject such person to a fine of not less than three dollars, nor more than one hundred dollars, and his license may be forfeited in the discretion of the mayor.

DISORDERLY CONDUCT.] § 14. Any person who shall conduct himself in a riotous or disorderly manner at any place of exhibition or amusement, shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars; and if any person belonging to or connected with any such show or exhibition shall conduct himself in a riotous or disorderly manner, or cause any disturbance or breach of the peace at the place of exhibition, the license of such show or exhibition may be revoked or forfeited in the discretion of the mayor, and no license at any time thereafter shall be granted for such exhibition unless for good cause shown, with the consent of the city council. [R. O. 1876.]

Processions on the Streets.] § 15. No circus, menagerie, caravan, show, band or procession of any kind, tending to the collection of persons on the streets and sidewalks, to the obstruction of the same, shall, without the written consent of the mayor, parade or travel upon or through the streets of said city, for the purpose of exhibition, or for the purpose of attracting the attention thereto of passengers, or people on the streets and sidewalks; and no person shall, except in cases where the mayor has given his written consent as aforesaid, beat any drum or other instrument, or blow any horn or other instrument in any of said streets for the purpose of attracting public attention to any such circus, menagerie, show or procession. Any person violating this section or any part thereof, either as owner, manager, or employee, of any such circus, menagerie, show, band or procession of any kind, shall be fined not less than ten dollars, nor more than two hundred dollars for each offense: *Provided*, that this section shall not apply to any band of music, or musical society engaged in serenading, or any civic or military society, or other parade made by the citizens of said city.

SHOOTING GALLERIES.] § 16. No person shall manage, keep or run any shooting gallery or place for target shooting, without first obtaining a license therefor, under a penalty of twenty dollars for each offense.

RATE OF LICENSE.] § 17. The rate of license for shooting galleries and places for target shooting, shall be, for one year ten dollars, or two dollars and fifty cents per quarter.

TARGET SHOOTING IN UNINCLOSED PLACES.] § 18. No per-

son shall keep, maintain or use any shooting gallery or place for target practice in any alley, street, or in any open or uninclosed place in said city, nor shall any person set up any target in any such open or uninclosed place, or shoot at the same, under a penalty of not less than ten dollars for each offense.

SHOOTING OF FIREARMS.] § 19. No license issued for maintaining a shooting gallery shall be construed so as to authorize or permit the firing of any gun or other firearm contrary to any ordinance or said city.

LUNG TESTERS—GALVANIC BATTERIES, ETC.] § 20. No person shall exhibit, use or permit others to use, for profit or gain, any lung tester, lifting apparatus, galvanic battery, striking machine, swing or other machine, instrument or device, without first obtaining a license therefor, under a penalty of five dollars for each offense. The license for any such apparatus shall be at the rate of one dollar per day.

#### CHAPTER III.

#### ANIMALS AND POUNDS.

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#### SECTION.

- Animals prohibited at large. 13. Pound keeper's notice of sale-Sale. 2. Penalty for stock being at large. Pound keeper's book-Proceeds of 14. Pound and pound keepers. 4. Pound keeper to take up animals-15. Surplus paid to owner. Breaking pound-Hindering the im-Feed for same. 16. 5. Duty of policemen. pounding of animals. Wrongful taking up of animals. 6. Citizens may take up animals. 17. 7. Redemption of animals from pound. 18. Report of pound keeper.
- 7. Redemption of animals from pound. 18. Report of pound Reeper.

  8. Proceedings where owner is known. 19. Additional pounds and pound keepers.

  9. Proceedings where owner is uners, and policements.
  - known.

    Trial after notice—Judgment.

    20. Fees to marshal and policemen.

    21. Geese.
- Proceedings against non-resident 22. Fees of pound keeper and magisowner. trates.
   Order of sale,

Animals Prohibited Running at Large.] § 1. No animal of the species of cattle, horse, mule, ass, swine, sheep, goat, nor any goose, shall be permitted to run, or be at large within the corporate limits of the city of Danville.

PENALTY FOR STOCK BEING AT LARGE.] § 2. Whoever, being the owner, or possessor, of any such animal, or goose, shall suffer or permit the same to run or be at large, shall forfeit and pay the following penalties for each offense, together with the costs for taking up and impounding, and all expense of sustenance, for such animal, when impounded, as hereinafter provided, viz: For each animal of the species of cattle, horse, mule or ass, the sum of two dollars; for each swine, sheep or goat, the sum of fifty cents; for each sucking pig and for each goose, the sum of ten cents.

Pound and Pound Keeper.] § 3. The city council shall provide a suitable pound, or pounds, which shall be under the care and control of the pound keeper of said city. The mayor may, as provided by law, appoint a suitable person pound keeper, who shall, before entering upon the duties of his office, execute a bond with security to be approved by the city council, in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office, and for the payment of all moneys received by him according to law and the ordinances of said city. Or the city council, in the absence of any appointment of a pound keeper by the mayor as aforesaid, may, by resolution, direct that the city marshal or any police officer shall act as pound keeper, in which case, he shall be the pound keeper of said city, and shall have all the powers and emoluments, and shall perform all the duties, belonging to said office as herein provided. The said marshal or police officer shall also give a bond as pound keeper in like sum, with the same conditions, as herein provided.

POUND KEEPER TO TAKE UP ANIMALS—FEED FOR SAME.] § 4. It shall be the duty of the pound keeper to take up and impound all animals found running at large in violation of the ordinances of said city; and also to receive and impound any such animals when lawfully taken up by any other person. During the stay of any animal in the pound, he shall feed and water the same.

DUTY OF POLICEMAN.] § 5. Every police officer of said city shall forthwith take up and impound any animal known by him or creditably reported to him to be unlawfully at large within the city; and to cause suit to be instituted against the owner or possessor of such animal for violation of this ordinance in so permitting such animal to be at large. Any officer neglecting or refusing so to do shall be fined not less than five dollars, nor more than fifty dollars for each offense.

CITIZENS MAY TAKE UP ANIMALS.] § 6. It shall be lawful for any citizen of the said city to take up any animal unlawfully at large, and either drive the same to the pound, or confine the animal in some safe and convenient place, and immediately notify the pound keeper, or some police officer of the city, and the officer so notified shall forthwith take charge of such animal and impound the same.

REDEMPTION OF ANIMALS.] § 7. At any time before the sale of any impounded animal, the owner or person entitled to the possession thereof, may redeem the same by paying to the pound keeper the sums following: In all cases where no judicial proceeding has been commenced, as herein provided, the fees for taking up and impounding, and the cost for feeding and sustenance up to date of redemption, shall be the redemption money; in any case where a judicial proceeding has been commenced, but no judgment rendered, then the redemption money shall be the said fee for taking up and impounding fees, costs of sustenance and feed and the costs accrued in such judicial proceeding; where such judicial proceeding has been commenced, and judgment rendered, then such judgment, the costs of such proceeding, together with subsequently accrued costs, and charges for sustenance, shall be the redemption money to be paid.

Proceeding When Animal is not Redeemed—Owner is Known.] § 8. When any impounded animal is not redeemed within twenty-four hours after the same is impounded, the pound keeper shall forthwith make complaint before a police magistrate or some justice of the peace against the owner or possessor of such animal, if known, and thereupon a summons shall be issued, as in other cases for the violation of the ordinances of said city, and upon the return of such summons, or the defendant having appeared, it shall be the duty of the magistrate to inquire whether the defendant has been guilty of permitting such animal to be at large contrary to the provisions of this chapter; and if the defendant be found guilty, judgment shall be rendered against him for the penalty, impounding fee, and costs of sustenance herein prescribed, and the costs of suit, and an order shall be entered that the animal shall be sold to satisfy said judgment, in case the same shall not be paid forthwith. Such order shall describe the animal, and state the time and place of impounding the same.

PROCEEDING WHERE OWNER IS UNKNOWN.] § 9. When the owner of any animal impounded is unknown, the pound keeper shall make complaint as provided in the last section, against the unknown owner of such animal, describing the same, and thereupon the magistrate before whom such complaint shall be made, shall docket the case in the name of the city versus the unknown owner of such animal (describing it with reasonable certainty) and shall issue a notice in substance as follows, viz:

#### POUND NOTICE.

Now, therefore, notice is hereby given to the owner of such animai..., and all persons interested in the same, that a trial will be had upon the said complaint, at my

The day named in said notice for trial shall not be less than five days, nor more than ten days from the time of issuing the same; and it shall be the duty of the pound keeper, city marshal, or any policeman, forthwith to post three copies of said notice in three public places in said city. The officer posting said notices shall return a copy thereof to the office of the magistrate issuing the same, with his return, showing the time and places of such posting, indorsed thereon.

TRIAL AFTER NOTICE—JUDGMENT.] § 10. When the notice has been given as required by the last section, then upon the day and hour named in such notice, if the said animal has not been redeemed, the justice or magistrate issuing such notice shall proceed to hear the case, as in the case of personal service of summons; and if he finds that such animal has been lawfully and justly impounded, he shall render judgment accordingly, and shall also render judgment for the amount of fees, costs, expenses and charges incurred in the taking up, impounding, feeding and sustenance of such animal, including the costs of said suit, and he shall enter upon his docket an order for the sale of such animal to satisfy said judgment.

PROCEEDINGS AGAINST NON-RESIDENT OWNERS.] § 11. If the name of the owner, or possessor of any impounded animal, is known, but he resides, or has gone out of the city, so that summons cannot be served upon him as provided by section 8 hereof, then like proceedings shall be had and like judgment rendered, as in the case of unknown owners, as provided in section 9 and 10 hereof, except that the notices provided for in section 9 shall be addressed to such owner or possessor by name, and an additional copy of said notice shall be issued and sent by mail, addressed to such owner or possessor, at his post office address. If his post office address is not known, and upon diligent inquiry cannot be ascertained, then such fact shall appear in the return of the officer executing said notices, upon the copy of said notice by him filed in the office of the magistrate.

ORDER OF SALE.] § 12. Upon the rendition of any judgment as prescribed in sections eight, ten and eleven of this chapter, the magistrate rendering the same shall issue to the pound keeper an order of sale, which shall be substantially in the following form:

The People of the State of Illinois to ...... pound keeper:

We command you that of the following described goods and chattels, to-wit: (here describe animal), the property of (here insert the name of the owners if known, if not, then say: "some person unknown") you make the sum of.......dollars

and......cents debt, and.......dollars and .....cents costs, which the city of Danville lately recovered before me, against the said....., and hereof make due return in what manner you execute the same.

Given under my hand and seal this......day of....., A. D. 18....., P. M. or J. P. [L. S.]

Which order shall be returned by such pound keeper, within thirty days from its date, to the office issuing the same, with his return indorsed thereon showing when and how the same was executed.

POUND KEEPER'S NOTICE OF SALE.] § 13. Upon the receipt of such order, the pound keeper shall immediately post three notices, in three several public places in said city, which notices may be in substance as follows:

#### POUND NOTICE.

Taken up and impounded in the city pound of the city of Danville, at (here state place of pound), the following described animal: .......... which, unless redeemed, will be sold at public auction for cash to the highest bidder, at ......, at the hour of ....... o'clock ......M., on the ............. day of ........., A. D. 18......

....., pound keeper.

The day of sale mentioned in said notices shall not be less than three nor more than five days after posting the same, exclusive of Sundays, holidays, and election days; and if the said animal is not redeemed, the pound keeper shall sell the same in accordance with said notice.

Pound Keeper's Book—Proceeds of Sale.] § 14. The pound keeper shall keep a book, to be provided by the city, which shall be open to the inspection of the public, in which he shall record a description of all animals impounded, with the date of impounding each, the owner's name if known, the name of the person or officer by whom the animal was taken up, also what disposition was made of such animal, when and by who redeemed, or, in case of sale, the date of sale, the name of the purchaser and the amount received therefor; and said pound keeper shall within ten days after every sale of animals, as herein provided, pay into the city treasury all moneys received by him in excess of the fees, costs, and charges accruing to him, and the costs accruing in the judicial proceedings, which last named costs he shall pay over to the magistrate issuing the order of sale.

Surplus Proceeds Paid to Owner.] § 15. If any surplus proceeds of any sale shall have been paid into the city treasury, the owner of the animal so sold shall be entitled to receive such surplus, less all costs and charges which may have accrued to the officers of the city, upon presenting to the city council, or the proper committee thereof, satisfactory proof of his ownership, together with a certificate of the pound keeper, of the amount of such surplus.

Breaking Pound—Hindering Impounding of Animals—Penalty.] § 16. Whoever shall break open, or in any manner, directly or indirectly, aid or assist in, or counsel or advise the breaking open of any city pound, or shall take or attempt to take therefrom any impounded animal without the pound keeper's consent; or, whoever shall hinder, delay, or obstruct the taking of any animal found unlawfully at large, to the pound, or shall attempt to prevent the impounding thereof, in any manner, shall, in either case, be fined not less than ten dollars, nor more than one hundred dollars.

Wrongful Taking of Animals—Penalty.] § 17. Any person who shall take or drive any animal from any inclosed lot or tract of ground, or from any stable or other building, or from outside of the city limits, to any pound in said city, or with intent that such animal may be impounded, shall be fined not less than five dollars, nor more than twenty dollars for every animal so taken or driven as aforesaid.

REPORT OF POUND KEEPER.] § 18. The pound keeper shall at each regular meeting of the city council make a full and complete report, under oath, of all animals impounded, the names of the owners thereof, the disposition made of such animals, and all the receipts and expenditures of and for his pound, and shall file therewith the receipt of the treasurer for all money paid into the city treasury.

ADDITIONAL POUNDS AND POUND KEEPERS.] § 19. The mayor, and city council, at any time when they may think the interests of the city may require it, shall establish additional pounds, and appoint additional pound keepers, who, when so appointed, shall be subject to all the provisions of this chapter.

Compensation to Marshal or Policeman.] § 20. When the city marshal, or any policeman of the city, is by order of the city council directed to act as pound keeper, then the fees and charges allowed the pound keeper, under and by this chapter, shall be considered as compensation as pound keeper, and shall be allowed in addition to the regular salaries allowed him as city marshal or policeman, respectively.

GEESE.] § 21. All the provisions of this ordinance wherein geese are not specifically mentioned, shall be construed to apply to the taking up and impounding of geese, as well as animals.

FEES OF POUND KEEPER AND POLICE MAGISTRATE.] § 22. There shall be allowed the pound keeper of said city the following fees for services under the provisions of this ordinance:

For taking up animals and putting them in pound, as follows:

For each hog (except sucking pigs), twenty-five cents. For each sucking pig, goose, goat or sheep, ten cents. For all other animals taken up, fifty cents each.

For providing feed and sustenance for impounded animals the following fees shall be allowed for each day, or part of a day: For each hog (except sucking pigs), sheep or goat, twenty-five cents. For each sucking pig or goose, ten cents. For all other animals, fifty cents each.

There shall also be allowed and charged as an impounding fee, for receiving and taking animals into the pound, the following fees:

For each hog (except sucking pigs), sheep or goat, twenty-five cents. For each sucking pig or goose, ten cents. For all other animals, one dollar each.

For posting advertisements, under this ordinance, to owners of animals the following fees shall be allowed: For each hog, goat or

goose, ten cents. For all other animals, twenty-five cents.

For selling any impounded animals under any order of sale, issued by a court of competent jurisdiction, the following fees shall be allowed: For selling hogs (sucking pigs excepted), sheep or goats, twenty-five cents each. For each sucking pig or goose, ten cents. For all other animals, one dollar each.

Police magistrates, or justices of the peace, shall be allowed, in all cases under this ordinance, the same fees for docketing suits and issuing process of all kinds, and for other services, as are now provided by statute in civil cases, to be taxed and collected as is now provided by ordinance and statute.

#### CHAPTER IV.

#### AUCTIONS AND AUCTIONEERS.

SECTION.

SECTION.

- I. Sale of goods at auctions to be by auctioneers.
- 2. License fee and bond.
- 3. License, how obtained-not transfer-
- Clerks. 4. Revocation of license.
  - Selling on streets.
- Substitution of articles—penalty. Penalties for violation of chapter.

SALE OF GOODS AT AUCTION TO BE MADE BY AUCTIONEERS. § 1. All sales of goods, wares, merchandise, or other personal property, at public auction, within the city, except such as are made under and by virtue of legal process, shall only be made by a person, or his authorized clerk, who shall have first obtained a license for such purpose, and executed a bond to said city, as herein provided.

tioneer, and be licensed to sell personal property at public auction, at a place to be named in the license, upon paying to the city clerk a license fee of fifty dollars per annum, and executing a bond to the city, with sureties to be approved by the mayor, in the penal sum of one thousand dollars, conditioned for the due observance of the ordinances of said city, for the prompt payment to the city of all moneys belonging to the same, and for the prompt payment of all moneys and the delivery of all goods that may come into his hands in his business, to the persons entitled to receive the same: Provided, that licenses may be issued under the provisions of this chapter for three months, upon the payment of the sum of twenty-five dollars; but no such license shall issue for a longer period than one year, nor less than three months.

LICENSE, HOW OBTAINED—Not Transferable. \ \ \ 3. Any person who may wish to obtain a license under this chapter, shall apply in writing for the same to the mayor, setting forth in such application his proposed place of business, the names of any partner, or clerk, who will be engaged in such business, the length of time for which such license is desired, and the names of his sureties. If the mayor grants such license, he shall make an indorsement to that effect upon such application, and the same shall thereupon be presented to the city clerk. In no case shall such license be transferable, nor shall any other person, partner or firm do business under the same, other than the person therein named, nor shall the place of business therein named be changed, without the consent of the mayor indorsed thereon.

CLERKS.] § 4. The said license shall designate who are permitted to do business under and by virtue of the same, either as principal, agent or clerk. And if any other person is employed as agent or clerk, to do business under such license, the consent of the mayor shall be first had and obtained, and indorsed on said license.

REVOCATION OF LICENSE.] § 5. All licenses shall be subject to revocation by the mayor, or the city council, whenever it shall appear to his, or their satisfaction, that the party so licensed, his agent or clerk, has violated any of the provisions of any ordinance relating to auctions or auctioneers, or any of the conditions of the bond aforesaid.

SELLING ON STREETS.] § 6. Any auctioneer having a license, as aforesaid, or his clerk may sell at public auction within any of the streets or alleys, squares or commons of the city, any horses, mules, cattle, or any wagon, carriage, or other vehicle, or any article too cumbrous to be removed to his place of business, by obtaining written permission from the mayor; but, except as herein provided, no article shall be sold at public vendue by such persons, on the streets, alleys, public squares or commons as aforesaid.

SUBSTITUTION OF ARTICLES—PENALTY.] § 7. Whoever shall exhibit and offer for sale at auction any article, and induce its purchase by any bidder, and shall afterwards substitute any other article in lieu of that offered to, and purchased by the bidder; or whoever shall, while engaged in or about the making of any auction sale, be guilty of any device, trick, or fraudulent practice with intent thereby to deceive or defraud any bidder, shall be fined fifty dollars, and the license of such person shall be deemed forfeited.

Penalties.] § 8. Any person who shall sell, or attempt to sell, at public auction any personal property whatever, except under legal process, without first having obtained a license therefor, as above required, shall, on conviction thereof be fined not less than ten dollars, nor more than one hundred dollars for each offense; any licensed auctioneer who shall permit any other person than such partner, agent or clerk, whose names are designated in his license, to sell any article at auction at the place designated in such license, without having permission from the mayor for such person to sell, indorsed on his license, shall be fined not less than five dollars, nor more than one hundred dollars; and such person so selling as partner, agent, clerk or otherwise, without such permission from the mayor, shall also be fined not less than five dollars, nor more than twenty-five dollars for each offense. Any person violating any provision of this chapter, where no other penalty is imposed, shall be fined not less than five dollars, nor more than one hundred dollars for each offense.

#### CHAPTER V.

#### BILLIARDS, TEN PINS, ETC.

SECTION.

#### SECTION.

- Penalty for billiard tables, ten-pin alleys, etc., without license.
   License fees.
   Minors playing or loitering—Where liquor sold—Prohibited.
   Minors playing or loitering where
- 3. Billiard Rooms, etc.—When closed. liquor not sold.

BILLIARD TABLE, TEN-PINS, ETC., WITHOUT LICENSE—PENALTY.] § 1. Whoever shall keep within the city of Danville any billiard, pool, or pigeon-hole table, or any ball or ten-pin alley, to be used or played upon by others for hire or gain, without a license therefor, shall be fined not less than five dollars, nor more than one hundred dollars, for each time any person may be permitted to play thereon or therewith.

LICENSE FEES.] § 2. There shall be taxed and collected for a license to keep a billiard table for one year, ten dollars for one table, and five dollars for each additional table. There shall be taxed and collected for a license to keep a ten-pin or ball alley, for one year, ten dollars for one alley, and five dollars for each additional alley. There shall be taxed and collected for a license to keep a bagatelle table, or a pigeon-hole table, ten dollars each.

BILLIARD ROOMS, ETC.—WHEN CLOSED—PENALTY.] § 3. All billiard rooms and ten-pin or ball alleys shall be kept closed on Sunday, and on week days they shall be closed by ten o'clock in the evening of each day and be kept closed until five o'clock in the morning of the next day following. Any person violating this section shall for each offense be fined not less than ten dollars, nor more than fifty dollars.

MINORS PLAYING OR LOITERING—WHERE LIQUORS ARE SOLD—PENALTY.] § 4. No keeper of any billiard, bagatelle or pigeonhole table, or ten-pin or ball alley, kept in a room or place where intoxicating liquors are sold, shall allow any minor to frequent or loiter about or remain in the said premises, or to play at any game or roll any ball upon any such table or alley therein, under a penalty of not less than ten dollars nor more than fifty dollars for each violation of this section, and upon conviction thereof shall forfeit his license.

Minors Playing or Loitering at Other Places—Penalty.] § 5. No keeper of any billiard room or ten-pin or ball alley kept in a room or place where intoxicating liquors are not sold, shall allow any minor to play at any game upon any table or alley kept by him, nor shall he permit any such minor to frequent or loiter about, or remain in the said premises, unless upon the written consent of the parent or guardian of such minor, or his employer, if he has no parent or guardian, under a penalty of not less than five dollars, nor more than twenty dollars for each violation of this section.

#### CHAPTER VI.

#### BUTCHERS AND MARKETS.

#### SECTION.

- I. Butchers' license.
- 2. Butchers to keep book.
- 3. Penalty for killing diseased animals.
- 4. Selling flesh of diseased animals.

#### SECTION.

- 5. Other unwholesome provisions.6. Displaying fruit, etc., on benches.
- 7. Inspectors of meat and provisions.

BUTCHERS' LICENSE.] § 1. Whoever shall pursue the calling of a butcher within the city of Danville, without first having obtained a license therefor, as provided by this chapter, shall be fined not less than ten dollars, nor more than one hundred dollars. The rate of butchers' license shall be ten dollars per year, or a proportionate sum for any less period. Every dealer in fresh meat shall be deemed a butcher within the meaning of this chapter: Provided, that this section shall not appply to persons who buy and sell chickens or turkeys, or dealers in fish and game.

BUTCHERS TO KEEP BOOK, ETC.] § 2. Every butcher shall keep a well bound book, properly ruled, in which he shall cause to be legibly recorded in ink a description of each animal either slaughtered by him, or the flesh of which he keeps for sale, which description shall set forth the species, sex, color, and age, if known, of such animal, and also the name and place of residence of the person from whom such animal was obtained, and the date when slaughtered. And if such animal was a bull, stag, ram or boar, that fact shall be entered as a part of such description. Such book shall at all times be subject to the inspection of any city officer, and any person proposing to buy the flesh of any animal may demand to see the recorded description of such animal. Any butcher failing to keep a book as herein required, or failing to make truthful entries therein as above set forth, or failing or refusing to exhibit such book on demand to any person having a right to inspect the same, shall be fined for each offense not less than five dollars, nor more than one hundred dollars.

KILLING DISEASED ANIMALS, ETC.] § 3. Whoever shall slaughter within said city, or within one mile of the limits thereof, any emaciated, sick, sore, bruised, wounded, diseased or disordered animal, or any animal which has been within twenty-four hours next before the time of slaughtering excessively driven, so as to become heated, or any calf under four weeks old, or any female animal far gone with young, shall be fined not less than twenty-five dollars, nor more than one hundred dollars.

SELLING DISEASED ANIMALS OR FLESH OF SAME. 7 § 4. Whoever shall sell, offer to sell, or keep, or expose for sale within said city, any emaciated, sick, crippled, sore, bruised, wounded, diseased or disordered animal, with intent that the same shall while in such condition be slaughtered for food, or shall sell, offer to sell, keep or expose for sale within said city the flesh of any such animal, or any tainted or unwholesome fresh meat, or the flesh of any animal coming to its death naturally, or by any means other than the usual mode of slaughtering animals for food, or the flesh of any calf slaughtered under the age of four weeks, or any female animal which at the time of slaughtering was far gone with young, shall for each or either of said offenses be fined not less than twenty-five dollars, nor more than two hundred dollars.

OTHER UNWHOLESOME PROVISIONS.] § 5. Whoever shall sell, expose or offer for sale any sick or diseased fowl, bird, game, poultry or fish, to be used for food, or the flesh of the same, or the flesh of any such fowl, bird, game, poultry or fish, after the same has become tainted, decayed or unwholesome from any cause, or the flesh of any animal, fowl, bird, game, or fish not used or deemed wholesome for food, or any tainted, decayed, unsound or unwholesome provisions or articles of food of any kind whatever, or any adulterated or pernicious drink or liquors, shall be fined not less than ten dollars, nor more than one hundred dollars for each offense.

DISPLAYING FRUIT, VEGETABLES, ETC., ON BENCHES.] § 6. Whoever, as a merchant, grocer, butcher or huckster, shall display, exhibit or temporarily store in front of his place of business, any fruit, vegetable or farinaceous article of commerce, unless the same be so exhibited, displayed or temporarily stored upon a bench or platform erected at least three feet above the level of the sidewalk, shall be guilty of a misdemeanor, and fined not less than one dollar, nor more than five dollars.

Inspectors of Meat and Provisions. 7. Every member of the police department, and all members of the board of health of said city, are hereby made and constituted ex-officio inspectors of meat and provisions, in and for said city. Every such officer shall be entitled on demand made by him, to see and inspect any fresh meat which any butcher, or other person, may keep or have on hand within the city, as well as any live animal obtained or designed by any butcher, or other person, for slaughter. Such officer shall also have the right to see and inspect all fowls, game, birds, poultry, fish, as well as all other kinds of meat, and all kinds of provisions, including fruits and milk, which shall be kept on hand, or exposed or offered for sale, by any butcher, huckster, grocer, milkman, dealer, or other person. And any person who shall refuse to permit such inspection, on demand made on him, or shall hinder or delay such officer in making the same, or shall give false answers to any question asked by such officer touching any fresh meat or any animal intended for slaughter, shall in either case be fined not less than three dollars, nor more than one hundred dollars. And upon such inspection, if such officer shall find any of the articles enumerated in this section unwholesome or unfit for use as food, it shall be the duty of such officer to condemn the same, and notify the owner thereof, or the person having charge of the same, to remove or withdraw the same from sale, and upon the failure or refusal of such person to withdraw such article from the market, it shall then be the duty of such officer to prosecute such person for a violation of section four or five of this chapter.

#### CHAPTER VII.

CLAIMS AGAINST CITY.

SECTION.

SECTION.

1. Claims sworn to and referred.

CLAIMS MUST BE SWORN TO, AND REFERRED.] § 1. No claim or account against the city of Danville, except for the salaries of its regularly elected or appointed and commissioned officers, or for the payment of a special contract made by the city council, or by some officer of the city authorized by ordinance to make contracts, shall be considered, audited or allowed; nor shall any warrant issue for the payment thereof, unless the person presenting the same, or some credible person for him, shall make oath before some officer duly authorized by law to administer oaths, before filing the same, that such claim or account is true, just and correct, and that the charges therein are reasonable; nor shall such warrant issue until said claim or account has been referred to and examined by at least two of the committee of the department to which such claim or account shall appropriately belong, or by some other committee designated by the council; which committee shall report such claim back to the council with its recommendation indorsed thereon, signed by the members thereof, when the said claim or account shall then be acted upon by the council.

#### CHAPTER VIII.

#### DOGS.

SECTION.

#### SECTION.

- Danger of hydrophobia—Proclama- 3. Bitch at large in heattion of mayor.
   Dangerous dogs.
- E. Dogs a nuisance—When.

DANGER OF HYDROPHOBIA—PROCLAMATION OF MAYOR.] § r. Whenever the mayor of the city of Danville shall deem it advisable for the prevention of hydrophobia, he may issue his proclamation requiring all dogs within the city to be confined, or to be securely muzzled with a wire muzzle, for such time as may be designated, or until otherwise ordered, and during such time it shall be unlawful for any dog to go or be at large unmuzzled.

Dogs at Large Unmuzzled a Nuisance.] § 2. All dogs running at large within the city contrary to the provisions of the preceding section are declared a nuisance, and shall be killed by the city marshal or any policeman of said city. And the owner or keeper of any such dog who shall knowingly permit the same to run at large contrary to the provisions of the preceding section, shall be fined not less than three dollars, and not exceeding one hundred dollars.

BITCH AT LARGE WHILE IN HEAT.] § 3. Any bitch running at large while in heat is hereby declared a nuisance, and shall be killed by the city marshal or any policeman of said city; and the owner or keeper of any such bitch who permits the same to run at large, when in heat, shall be fined not less than three dollars, nor more than one hundred dollars.

Dangerous Dogs.] § 4. Any owner or keeper of a fierce or dangerous dog or bitch, who shall knowingly permit the same to run at large, to the danger, annoyance or damage of any person within the city, shall be deemed guilty of a nuisance, and shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars; and upon such conviction the city marshal or any policeman shall destroy, or cause such dog or bitch to be destroyed.

#### CHAPTER IX.

#### ELECTIONS.

#### SECTION.

#### SECTION.

- Election, where held; time, notice, districts defined, special elections.
- 2. Judges, clerks, appointment, notices, etc.
- 3. Vacancies, how filled.
- 4. Oath.
- 5. Same.
- 6. Ballot boxes, manner of voting.
- Poll books and blanks.
- 8. Time of opening and closing polls, challengers.
- Proclamation to be made before polls are opened and closed.
- 10. Ballot box to be opened and publicly exhibited before used.11. Clerks to keep poll list; names of
- voters to be entered on poll list.

  12. Manner of voting; ballots, how
- printed.

  13. The names of all the candidates to
- be placed on one ballot.

  14. Manner of depositing ballot; duty of judges on receiving ballot.
- 15. No adjournment until result is announced.
- Votes, when, where and how canvassed; number to correspond with names on poll list; excess to be destroyed.

#### D. Hata wat a control or

- 17. Ballots not counted, when.
- Ballots to be strung; delivered with poll list to the city clerk; city clerk to preserve same.
- 19. Returns, how made; form of certificate.
- 20. Returns to be delivered to clerk within two days.
- 21. Compensation of judges and clerks.
- 22. Challenges.
- 23. Who may vote.
- 24. Residence defined.
- 25. Affidavit of qualification.
- 26. Affidavit of witness.
- 27. Who may administer oaths. 28. Convicts; disqualification.
- 29. City clerk to notify mayor when returns are all in; meeting of council to be called; city council to canvass returns and declare re-
- 30. Tie vote, how determined.
- 31. Notice to person elected; person elected to qualify in ten days.
- 32. Order to be preserved at polls.
  - 3. Dramshops to be closed.

#### [R. O. 1876.]

ELECTION, WHERE HELD—TIME, NOTICE, ETC.] § 1. A general election for all elective city officers shall be held in each ward of the city, on the third Tuesday of April of each year. Each ward shall constitute an election precinct, but the city council may divide any ward into as many election districts as the convenience of the people may require, defining the same by distinct boundaries. The city council shall designate the place or places in which the election shall be held, and cause notice to be printed in some newspaper printed in the city, or posted at each voting place in the city, of the time and places of election and the officers to be elected, for at least twenty days prior to said election. Special elections shall be held and conducted, and notice thereof given in the same manner as general elections.

JUDGES, CLERKS, APPOINTMENT, NOTICE, ETC.] § 2. The city council shall, at least twenty days before an election in said city, appoint by ballot three legal voters in each election precinct or district to act as clerks of election for such election. The city clerk

shall without delay after the first appointment of the judges and clerks of an election, make out and deliver to the city marshal a certificate of the appointment to each of such persons appointed judges and clerks, and the marshal shall within three days after the receipt of such certificate, deliver the same to the several judges and clerks so appointed.

Vacancies, How Filled.] § 3. If at the time for the opening of any such election, any person appointed a judge shall not be present, or will not act or take the oath to act in such capacity, the judge or judges present may appoint some other qualified elector to act in his place. If there be no judge of election present, or if present and he refuses to act, such electors of the ward or precinct as may be present at the place of election, may fill the vacancies by election from their number. The judges so elected shall have the same power, and be subject to the same penalties as other judges of election. The judges of election shall appoint clerks when necessary, to fill vacancies.

OATH.] § 4. Previous to any vote being taken, the judges and clerks of the election shall severally take an oath or affirmation in the following form, to-wit: I do solemnly swear, (or affirm, as the case may be), that I will support the constitution of the United States, and the constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of judge of election, (or clerk, as the case may be), according to the best of my ability.

SAME.] § 5. In case there shall be no judge or justice of the peace present at the opening of the election, or in case such judge or justice shall be appointed a judge or a clerk of election, it shall be lawful for the judges of election to administer the oath or affirmation to each other, and to the clerks of election, and the person administering such oath or affirmation, shall cause an entry thereof to be made and subscribed by him, and prefixed to each poll book.

BALLOT BOXES—MANNER OF VOTING.] § 6. The city clerk shall provide a sufficient number of ballot boxes with secure locks and keys, at the expense of the city, for the several voting precincts. There shall be an opening in the lid of each box, not larger than is sufficient to admit a single closed ballot to be inserted therein at one time, through which each ballot voted shall be put into the box.

POLL BOOKS AND BLANKS.] § 7. The city clerk shall provide at the expense of the city, proper blanks, poll books, and other necessary election blanks for each precinct in the city, and cause a suitable number thereof to be delivered to the judges of election at least three days before any election is to be held.

TIME OF OPENING AND CLOSING POLLS, ETC.] § 8. The polls shall be opened at the hour of 8 o'clock in the morning, and con-

tinued open until 7 o'clock in the afternoon of the same day, at which time the polls shall be closed; but if the judges shall not attend at the hour of 8 o'clock in the morning, or if it shall be necessary for the electors present to appoint judges to conduct the election as herein prescribed, the polls may in that case be opened at any hour before the time for closing the same shall arrive, as the case may require.

PROCLAMATION TO BE MADE BEFORE POLLS, ETC.] § 9. Upon opening the polls one of the clerks or judges of election shall make proclamation of the same, and at least thirty minutes before the closing of the polls, proclamation shall be made in like manner, that the polls will be closed in half an hour.

BALLOT BOX TO BE OPENED AND EXHIBITED, ETC. § 10. Before any ballot shall be deposited in the ballot box, the ballot box shall be publicly opened and exhibited, and the judges and clerks shall see that no ballot is in such box, after which the box shall be locked and the key delivered to one of the judges, and shall not be again opened until the close of the polls.

CLERKS TO KEEP POLL LIST—NAMES OF VOTES TO BE ENTER-ED, ETC.] § 11. Each clerk of the election shall keep a poll list, which shall contain a column headed "number," and another headed "names of voters," The name of each elector voting shall be entered upon each of the poll books by the clerks, in regular succession under the proper heading, and the number of such voter placed opposite his name in the column headed "numbers."

MANNER OF VOTING—BALLOTS, How PRINTED.] § 12. The manner of voting shall be by ballot. The ballot shall be printed, or written, or partly written and partly printed upon plain paper, with the name of each candidate voted for, and the title of the offices. When the ballot is printed, the name shall be printed upon plain paper, in plain type, in straight lines with a blank space below each name of a width not less than equal to the width of the line in which the name is printed.

Names of All Candidates to be on one Ballot.] § 13. The names of all candidates for which the elector intends to vote, shall be written or printed upon the same ballot, and the office to which he desires each to be elected, shall be designated upon the ballot.

Manner of Depositing Ballot—Duty of Judges, etc.] § 14. The ballot shall be folded by the voter and delivered to one of the judges of election, and if the judges be satisfied that the person offering the vote is a legal voter, the clerks of election shall enter the name of the voter and his number under the proper headings, in the poll books, and the judges shall indorse upon the back of the ballot offered the number corresponding with the number of

the voter on the poll books, and shall immediately put the ballot into the ballot box.

No Adjournment Until Result Announced.] § 15. After the opening of the polls no adjournment shall be had, nor shall any recess be taken until all the votes cast at such election shall have been counted and the result publicly announced.

VOTES, WHEN, WHERE AND HOW CANVASSED, ETC.] § 16. Immediately upon closing the polls the judges shall proceed to canvass the votes polled. They shall first count the whole number of ballots in the box. If the ballots shall be found to exceed the number of names entered on each of the poll lists, they shall reject the ballots, if any be found, upon which no number is marked; if the number of ballots still exceeds the number of names entered on each of the poll lists, they shall be replaced in the box, and the box closed and well shaken and again opened, and one of the judges shall publicly draw out and destroy so many ballots unopened, as shall be equal to such excess, and the ballots and poll lists agreeing or being made to agree, the board shall proceed to count, and estimate and publish the votes, and when the judges of election shall open and read the tickets, each clerk shall carefully mark down upon the tally list the votes each candidate receives in a separate column prepared for that purpose, with the name of such candidate at the head of such column and the office designated by the vote, such candidate shall fill.

BALLOTS NOT COUNTED, WHEN.] § 17. If more persons are designated for any office on the same ballot than there are candidates to be elected, such part of the ticket shall not be counted for either of the candidates.

Ballots to be Strung, etc.] § 18. All the ballots counted by the judges of election shall after being read, be strung upon a strong thread or wire, in the order in which they have been read, and shall then be carefully enveloped and sealed up by the judges, who shall direct the same to the city clerk, and they shall be delivered, together with the poll books to the city clerk, who shall carefully preserve said ballots six months, and at the expiration of that time shall destroy them by burning, without the package being previously opened: *Provided*, if any contest of election shall be pending at such time in which such ballots may be required as evidence, the same shall not be destroyed until such contest is finally determined.

RETURNS, How MADE—FORM OF CERTIFICATE.] § 19. When the votes shall have been examined and counted, the clerks shall set down in their poll books the name of every person voted for, written at full length, the office for which such person received such votes, the number he did receive, the number being expressed in words at full length; such entry to be made as nearly as circumstances will admit in the following form, to-wit:

At an election held at the......, in the.....ward, in the city of Danville, in the county of Vermilion and State of Illinois, on the.....day\_of....., in the year one thousand eight hundred and ......, the following named persons received the number of votes annexed to their respective names for the following described offices, to-wit: (name of candidate) had (number of votes) for (title of office) (and in the same manner for every other person voted for).

Certified by us.

Attest:  $\begin{pmatrix} A, B, \\ C, D, \\ E, F, \end{pmatrix} \text{Judges of election.}$  G. H.,  $\{C, B, H, \\ E, F, \}$  Clerks of election.

RETURNS DELIVERED TO CLERK, ETC.] § 20. Such certificate, together with one of the lists of voters and one of the tally papers, having been carefully enveloped and sealed up, shall be put into the ballot box and put into the hands of one of the judges or board of election, who shall within two days thereafter deliver the same to the city clerk at the office of the said city clerk.

COMPENSATION OF JUDGES AND CLERKS.] § 21. The judges and clerks of election shall be allowed the sum of three dollars per day for their services in attending such election.

CHALLENGES.] § 22. The judges of election shall allow at least one and not more than two legal voters of each party to the contest, to be chosen by the parties respectively, into the room where the election is held, to act as challengers of voters at such election, and such challengers may remain with the board of election until the votes are all canvassed and the result declared.

#### QUALIFICATION OF VOTERS.

Who May Vote.] § 23. Every person having resided in this state one year, in the county ninety days, and in the precinct or election district thirty days next preceding any election, who was an elector in this state on the first day of April, in the year of our Lord 1848, or obtained a certificate of naturalization before any court of record in this state prior to the first day of January, in the year of our Lord 1870, or who shall be a male citizen of the United States above the age of twenty-one years, shall be entitled to vote at such election.

RESIDENCE DEFINED.] § 24. Permanent abode is necessary to constitute a residence within the meaning of the preceding section. All persons shall be deemed residents of the precinct or district in which they are accustomed to lodge.

AFFIDAVIT OF QUALIFICATION.] § 25. Whenever at any general or special election in any ward or precinct in said city of Danville, any person offering to vote is not personally known to the judges of election to have the qualifications mentioned in the two preceding sections, if his vote is challenged by a legal voter at such

election, he shall make and subscribe an affidavit in the following form, which shall be retained by the judges of election and returned by them with the poll books:

STATE OF ILLINOIS, Vermilion County. ss.

I, ......, do solemnly swear (or affirm) that I am a citizen of the United States (or that I was an elector on the first day of April, A. D. 1848, or that I obtained a certificate of naturalization before a court of record in this state prior to the first day of January, A. D. 1870, as the case may be); that I have resided in this state one year, in this county ninety days, and in this election district thirty days next preceding this election; that I now reside at No....., on.....street, in this election district; that I am twenty-one years of age and have not voted at this election. So help me God. (Or, "this I do solemnly and sincerely affirm," as the case may be).

Subscribed and sworn to before me this.....day of......, A. D. 18.....

AFFIDAVIT OF WITNESS.] § 26. In addition to such affidavit, the person so challenged shall produce a witness personally known to the judges of election and resident in the precinct or district, or who shall be proved by some legal voter of such precinct or district known to the judges to be such, who shall take the oath following, viz:

I do solemnly swear (or affirm) that I am a resident of this election precinct (or district) and entitled to vote at this election; and that I have been a resident herein for one year last past, and am well acquainted with the person whose vote is now offered; that he is an actual and bona fide resident of this election precinct (or district); and has resided herein thirty days; and, as I verily believe, in this county ninety days, and in this state one year next preceding this election.

WHO MAY ADMINISTER OATHS.] § 27. The oath in each case may be administered by either of the judges of election, or by any officer resident in the precinct or district authorized by law to administer oaths.

CONVICTS—DISQUALIFICATION.] § 28. No person who has been legally convicted of any crime, the punishment of which is confinement in the penitentiary, shall be permitted to vote at any election unless he shall be restored to the right to vote by pardon.

CITY CLERK TO NOTIFY MAYOR WHEN RETURNS, ETC.] § 29. When all the returns shall be filed with the city clerk, he shall without delay notify the mayor or any three aldermen thereof, who shall immediately call a meeting of the city council. The city clerk in the presence and under the direction of the city council shall open the several returns and examine and canvass the same, and when finished, the city council shall declare the result and shall cause the city clerk to enter a statement thereof in full upon the journals, naming each person voted for, the number of votes received, for what office, and who is elected.

TIE VOTE, HOW DETERMINED.] § 30. The person having the highest number of votes for any office shall be declared elected; when two or more persons receive an equal number, and the highest number of votes for any office, the city council shall cause the city clerk to issue a notice to such persons of such tie vote, and require them to appear before the city council on a day and at a time named in the notice, within ten days from the day of election and determine by lot, in the presence of the city council, which of them is to be declared elected; and on the day and at the time appointed, the city council shall proceed to determine the same by lot in their presence, in the manner following: There shall be placed in a ballot box as many folded ballots as there are persons, having an equal and the highest number of votes; on one of the ballots the name of the office for which the candidates were voted for shall be written, and the other ballots shall have some other words written upon them. The candidates shall each draw one ballot, and the candidate drawing the ballot on which the name of the office is written shall be declared elected. If any candidate shall be absent or refuse to draw a ballot, the mayor shall appoint one of the aldermen elected to draw for such candidate.

Notice to Persons Elected, etc.] § 31. The city clerk shall, within five days after any person is declared elected to any office by the city council, notify him in writing of his election, naming the office for which he has been declared elected, and requesting him to qualify within ten days after such notice, and unless such person shall qualify in ten days after such notice the office shall become vacant.

ORDER TO BE PRESERVED AT POLLS.] § 32. The city marshal and all other police officers shall attend at all elections for the purpose of maintaining order and keeping the peace. The judges shall maintain order at the polls, and may command any police officer in attendance to arrest any person who shall disturb the peace by riotous or disorderly conduct. Any person who at the polls shall break or disturb the peace, or conduct himself in a riotous or disorderly manner, shall be subject to a penalty not exceeding twenty-five dollars.

DRAMSHOPS TO BE CLOSED.] § 33. No spirituous, malt, vinous or intoxicating liquor shall be sold or given away at retail, nor shall any saloon, or bar room or place where such liquor is sold or given away, be open upon any general or special election day in said city. Whoever violates the provisions of this section shall be fined in a sum not less than twenty-five dollars, nor more than one hundred dollars.

SECTION.

I. Boundaries of fire limits.

#### CHAPTER X.

#### FIRE LIMITS AND FIRE PROTECTION.

SECTION.

14. Shavings, stoves, fires, lights, etc., in

	Dodnatics of file filling.	14.	onavings, stoves, mes, ngms, etc., m		
2,	Composition of exterior and party		shops.		
	walls; wooden buildings forbid-	15.	Lights in barns.		
	den.	16.	Carrying fires, etc.		
3.	Roofs, cornices and window caps.	17.	Deposit of ashes.		
4.	Planing mills, lumber yards, etc.	18.	Burning straw; bonfires.		
5-	Removal and repair of wooden	19.	Boiling pitch, tar, etc.		
	buildings.	20.	Fire in building; out door fires.		
6.	Damaged buildings to be removed,	21.	Burning out chimneys.		
	etc.	22.	Scattering shavings.		
7.	Procedure for condemnation of	23.	Spittoons.		
	buildings.	24.	Fire wardens.		
8.	Penalties for violating sections 2, 3,	25.	Exits to theatres hereafter construct-		
	4 and 5.		ed.		
9.	Removal of damaged buildings;	26.	Exits and ladders to halls and thea-		
	penalty.		tres now built.		
IO.	Stove pipes, chinneys and hearths.	27.	Proceedings to enforce construction		
II.	Hot air, water and steam furnaces.		of exits, etc.		
12.	Boiler houses and rooms.	28.	Power.		
13.	Penalties for violating sections II	29.	Application of chapter from section		
	and 12.		10 to section 29.		
BOUNDARIES OF FIRE LIMITS. \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \					
city of Danville are bounded, fixed and established as follows, viz:					
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Commencing at a point on the east side of Mill street one hundred and fifty feet north of the west end of the north line of Main street at the point of intersection with Mill street, thence east on a line parallel with the north line of Main street to the east line of Pine street, thence north along the east side of Pine street to a point one hundred and fifty feet north of north line of North street, thence east to the west boundary line of the right of way of the Wabash, St. Louis and Pacific railroad, thence in a southwesterly course along the west boundary line of said right of way to the south boundary line of South street, thence west along said south line of South street to the Vermilion River, thence up the channel of said river to a point opposite the east line of the old Chicago road leading into the Red bridge over said river, thence along the east line of said state road in a northwest and northeast direction to the west end of the south line of said Main street, thence to the place of beginning. All that part of the said city embraced within said boundaries shall be known as the fire limits of the said city.

Composition of Exterior and Party Walls—Wooden Buildings Forbidden.] § 2. The exterior or party walls of all buildings or structures, and all additions thereto, (except privies, coal houses or wood sheds), hereafter built or erected within the aforesaid fire limits, shall be constructed of brick, stone, iron, glass,

concrete, grout or a combination of two or more such materials. The erection or construction of any wooden building or structure of any kind, or the use of wood in the construction of any exterior or party wall, within said limits, is hereby expressly forbidden.

COVERING OF ROOFS, ETC.—CORNICES AND WINDOW CAPS.] \$ 3. The roof or dormer windows of any and all buildings or structures of any kind, hereafter erected or constructed within said limits, (except privies, coal houses and wood sheds), shall be covered outwardly with iron, tin, glass, slate, or some other non-combustible material. The cornice, window caps and window sills attached to any such building erected as aforesaid, shall also be composed of iron, stone, brick or some other non-combustible material. The use of wood for the outer covering of such roofs or dormer windows and for the construction of cornices, window caps and window sills, as aforesaid, is hereby expressly forbidden.

PLANING MILLS—LUMBER YARDS, ETC.] § 4. There shall not be hereafter maintained, or operated, or built, or used, any planing mill, sash, door or blind factory, or chair or furniture factory, or lumber yard, wood yard, or oil mill, within the aforesaid fire limits, and that the city authorities shall at the earliest practical day provide for the removal beyond said fire limits of all lumber yards now established within said fire limits. [R. O. 1876.]

REMOVAL AND REPAIR OF WOODEN BUILDINGS.] § 5. No wooden building shall be removed from any part of the city, whether the same is within or without the said fire limits, to any place within said fire limits; nor shall any wooden building, except the same be a building that has been used and is to be used exclusively as a residence, now within such fire limits, be repaired; and whenever the roof of any brick building within said fire limits that is covered with shingles, boards, or other combustible material, except the same be a building that is used and to be used exclusively as a residence, shall be repaired, the same shall be repaired by covering said roof with iron, tin, or some other metallic or non-combustible substance, as prescribed in section second of this ordinance. [R. O. 1876.]

Damaged Buildings to be Removed.] § 6. When any wooden building within said fire limits shall have been damaged by fire, decay, or otherwise, to the extent of fifty per cent. of the original value of the same, such building shall be torn down, or removed beyond said fire limits, after the extent of the damages thereto, caused as aforesaid, has been ascertained in the manner hereinafter provided.

PROCEDURE FOR CONDEMNATION OF BUILDINGS.] § 7. Whenever any member of the city council, policemen, member of the fire department, or citizen, shall make complaint in writing to the police magistrate that any wooden building within such fire limits has been

damaged by fire, decay, or otherwise, to the extent of fifty per cent. of its original value, describing the property and giving the owner's name, said magistrate shall issue a notice to said owner, embodying the substance of such complaint, commanding such owner to appear before such magistrate at a time therein specified, not less than five nor more than ten days from the date of such notice, and at the time and place fixed in such notice, provided the return of such notice shall show that such owner has been served with said notice by reading, or by leaving a copy at the residence of such owner three days before the time fixed for the hearing, such police magistrate shall impanel a jury of twelve disinterested freeholders of the city, who, after being duly sworn, "fairly and impartially to ascertain if the building in issue shall have been damaged by fire, decay, or otherwise, to the extent of fifty per cent. of its original value," hear the evidence and view the building at issue, and hearing the argument of counsel, and bring in a verdict according to the facts and evidence; and in case the jury find a verdict that such building has been so damaged by fire, decay, or otherwise, the police magistrate shall so record a judgment, and direct such owner to remove from fire limits or tear down such building within thirty days; and in default thereof that the marshal of the city shall remove or tear down such building, the cost or expense of which shall be charged to such owner, and if not paid by such owner, the same shall be collected by suit in the name of said city against such owner. At the impaneling of such jury the said owner and the prosecutor shall have a right to three peremptory challenges each, and to challenge any juror for prejudice, interest, or any other just cause. [R. O. 1876.]

PENALTIES FOR VIOLATIONS OF SECTIONS 2, 3, 4 AND 5.] § 8. Whoever shall violate, or hire or induce any other person to violate, any or either of the provisions of sections 2, 3, 4 or 5 of this chapter, shall be fined not less than ten dollars, nor more than one hundred dollars for each and every day or part of a day that any such person or persons, or his or their employees, may be engaged in such violation. Whenever any person is convicted of any violation of either of the said sections, or any part thereof, the magistrate before whom such conviction is had, shall also enter an order upon his docket that the person so convicted shall tear down or remove the building, or the addition or attachment of any kind thereto, for the construction of which contrary to this chapter the conviction is had, within ten days from the date of the entry of such order; and any person failing or neglecting to so tear down or remove such building, addition or attachment, within the time aforesaid, shall for each day beyond said ten days he suffers or permits the same to so remain be subject to the same penalty as above provided; and the marshal of said city shall have power to tear down or remove such improvement of whatever nature, beyond the said fire limits, and the costs and expenses of so

doing shall be charged to and collected off of the person so convicted as aforesaid in an action of debt in the name of the city. Any person, who, as contractor, laborer or mechanic, in the employ of any other person, shall violate any or either of the provisions of said sections 2, 3, 4 or 5, shall be fined not less than five dollars, nor more than twenty-five dollars for each day or part of a day that he may have been engaged in such violation. Under this chapter, each day, or part of a day in which any person, as owner, agent, lessee, contractor, laborer, mechanic or otherwise shall engage in any violation of either of the above mentioned sections, or any part thereof, shall constitute a separate and distinct offense. In addition to the foregoing fine and penalty, any person who shall remove, or assist in the removal of any wooden building to any place within the fire limits, shall upon the order of the magistrate before whom he is convicted, be imprisoned for a term not exceeding six months. This section shall not apply to any person engaged, in good faith, in the removal of any wooden building to any place outside the fire limits, and who shall use all reasonable dispatch in making such removal.

REMOVAL OF DAMAGED BUILDINGS—PENALTY.] § 9. Whenever any building has been ordered to be torn down, or removed, in accordance with the provisions of sections 6 and 7 of this chapter, and the owner thereof refuses, neglects, or fails to tear down or remove the same within thirty days from the date of the entry of such order upon the docket of the magistrate, then such person shall be fined not less than twenty dollars nor more than one hundred dollars for each and every day or part of a day that such owner may permit or suffer such building to remain after the expiration of the time within which such building was ordered and adjudged to be torn down or removed.

STOVE PIPES—CHIMNEYS—HEARTHS.] § 10. All stove pipes shall be securely put up, so as not to be in danger of falling, and shall be separated at least three inches from any wood or other combustible materials, by a double circle of tin, zinc or sheet iron, connected with like metal, with air holes through the connecting metal between the pipe and the wood or stone cylinder. All stoves put up or used without secure aprons or hearths, shall be placed upon a platform of brick, zinc or other incombustible material, extending far enough around the same to prevent the fire from falling upon the floor, and if set within eighteen inches of the wood work of any wall, the same shall be protected with zinc or other incombustible covering, so as effectually to prevent fire from the stove. All chimneys or flues shall be four inches thick, built of brick or stone, well laid in mortar and well plastered inside, and shall be constantly kept in good condition, so as to be safe and secure against fire. Whoever shall put up, erect or build any stove, stove pipe, chimney or flue, contrary to the requirements of this section, shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars; and whoever shall use any such stove, stove pipe, chimney or flue, so put up or erected, contrary to the requirements of this section, shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars, and one dollar in addition thereto for each day the same may be used after notice either verbally or in writing, by the mayor or any alderman, or the city marshal, or any policeman of said city, that such stove, stove pipe, chimney or flue is put up, built or erected, contrary to the provisions of the ordinances of said city. [R. O. 1876.]

Hot Air, Water and Steam Furnaces.] § 11. Hot air, hot water, steam or other furnaces, whether brick or metal, shall be kept at least ten inches, and the smoke flue at least twenty inches, off from any unprotected wood work. All furnaces shall be placed on foundations of brick or stone, or other non-combustible material, with proper hearths of like material, at least twenty-four inches wide in front of the ash pit. All hot air conductors that are placed within ten inches of any wood work shall be made double, one within another, with at least one-half inch space between the two. All hot air registers shall be set in incombustible borders not less than two inches in width; all such borders shall be firmly set in plaster of paris; opening in floors for registers shall be lined with bright tin to receive the register boxes, the lining to be kept at least one inch distant from such register box. I. C. or I. X. bright tin shall be used in the construction of all hot air flues and their appendages.

Boiler Houses and Boiler Rooms.] § 12. The wood work of all boiler houses and boiler rooms shall be kept at least six feet from the boiler, and four feet from the breeching or smoke conductor, and one foot from the dome of the boiler, unless such wood work is properly protected with non-combustible material, and then there shall be at least two feet space from the boiler or smoke pipe and the protection.

Penalties for Violating Sections 11 and 12.] § 13. Any person who shall violate any of the provisions of sections 11 and 12, of this chapter, shall be fined not less than ten dollars, nor more than one hundred dollars for each offense, and shall be subject to a like fine for every day he shall permit such violation to continue and remain upon his premises after having been once convicted on account thereof.

SHAVINGS, STOVES, FIRES, LIGHTS, ETC., IN SHOPS.] § 14. All mechanics or other persons using or occupying shops, buildings, or places where shavings or other like combustible materials are made or accumulated, shall clear out and remove such combustible materials from the buildings, shops and the premises adjacent or attached thereto as often as may be necessary to prevent the dangerous accumulation thereof. The stove or stoves used in any such shop or building, shall be set in a box or frame extending at least six inches above the floor,

and at least eight inches around and outside of the stove, and filled or lined with fire-proof material; all lighted candles or lamps used in any such shops or buildings, shall be set in a candlestick or stand, not liable to take fire, and all such lights shall be kept at a secure distance from any combustible material. No person shall leave any such light or fire burning in any such buildings, in such manner or for such length of time that the same may be in danger of communicating the fire to any part of such shop or building or such shavings or other combustible material. Whoever shall violate any of the provisions of this section shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars. [R. O. 1876.]

LIGHTS IN BARNS, ETC.] § 15. No person shall carry or use any lighted candle or lamp or fire in any part of any building or stable where any hay, straw, or other like combustible materials are kept, without securing the same in a lantern or some secure casing, so as not to endanger the taking fire thereby, under a penalty of not less than three dollars, and not exceeding one hundred dollars. [R. O. 1876.]

CARRYING FIRE, ETC.] § 16. No person shall carry from one place to another any fire or live or burning coals, without securing the same in such manner as to prevent the coals or sparks from falling therefrom, and so as not to endanger any building or property thereby, under a penalty of not less than three dollars, and not exceeding

one hundred dollars. [R. O. 1876.]

DEPOSIT OF ASHES.] § 17. No person shall keep or deposit any ashes in any building, or in any place within twenty feet of any building, shed of fence, or other combustible material, unless within a secure and covered metallic or earthenware, or other fire-proof vessel, or in a fire-proof ash house, under a penalty of not less than three dollars, and not exceeding one hundred dollars; and all soap boilers or other persons using ashes in manufacture in any wooden vessel or structure, shall keep them well dampened or saturated with water, under a penalty of not less than three dollars, and not exceeding one hundred dollars. [R. O 1876.]

BURNING STRAW—BONFIRES.] § 18. No person shall set fire to or burn shavings, straw or other material, in any open or public place in the city, except in the day time, nor then unless the condition of the wind and weather be such that such fire will not be likely to endanger or damage any building or other property, nor within thirty feet of any building, under a penalty of not less than three dollars, and not exceeding one hundred dollars: *Provided*, that bonfires may be built in the night, at any safe and proper place within the city, by consent of the mayor. [R. O. 1876.]

BOILING PITCH, TAR, ETC.] § 19. No person shall boil any pitch, resin, tar or other inflammable liquor or substance, except

within a building so secured as not to be endangered if such pitch, resin, tar or other combustible material shall take fire, or in any open place at least twenty feet distant from any building or property likely to be endangered or damaged thereby, under a penalty of not less than three dollars, and not exceeding one hundred dollars. [R. O. 1876.]

Fire in Building—Out-door Fires.] § 20. No person shall make, kindle or use any fire in any building, out building, shed or other structure, except within a secure fire-place, stone furnace or other fire-proof structure made for that purpose. Nor shall any person make, kindle, or use any fire out of doors, within twenty feet of any building or other property likely to be endangered thereby, unless within a proper stone furnace or other secure structure, nor leave any such fire burning. Each person violating the provisions of this section, shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars. [R. O. 1876.]

BURNING OUT CHIMNEYS.] § 21. No person shall set fire to or burn out any chimney, flue or stove pipe, except in the day time, nor then when wind or weather may be such as to endanger other buildings or property, and the person or persons occupying any building shall prevent and remove all dangerous accumulations of soot, under a penalty of not less than three dollars, and not exceeding one hundred dollars. [R. O. 1876.]

SCATTERING SHAVINGS, ETC.] § 22. No person shall trail, strew or leave any shavings or other like combustible materials in, around or near any building or property, so as to endanger or be likely to endanger or damage the same thereby, under a penalty of not less than three dollars, and not exceeding one hundred dollars. [R. O. 1876.]

SPITTOONS.] § 23. Whoever shall use any box, or other vessel, filled with sawdust or other combustible material, as a spittoon, shall be fined not less than one nor more than twenty-five dollars.

Fire Wardens, etc.] § 24. The mayor, the aldermen, the city marshal, policemen and the chief of the fire department shall be ex-officio fire wardens, and they shall have power and authority to enter all buildings and premises, to examine whether they are in a safe condition; and shall enforce, or cause to be enforced, all the provisions hereof, and shall prosecute, or cause to be prosecuted, all violations of the provisions hereof; the chief engineer or one of the assistant engineers of the fire department, shall, whenever requested by the city marshal or the mayor, carefully examine any or all buildings within the city, and shall notify the owner or owners, occupant or occupants thereof, to cause any chimney, flue, stove, stove pipe, ash house, furnace, or other place in which fire may be kept or used, which may be deemed unsafe or dangerous, or any other cause from

which immediate danger of fire may be apprehended, or which may be deemed unsafe or dangerous, in promoting fires, to be without delay removed, abated or placed in a safe condition, and upon the neglect or refusal of any owner or occupant to comply with such notice, he shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars, and the officer shall, without delay, cause such buildings or premises to be placed or put in a safe condition, and the necessary cost of so doing shall be collected of such owner or occupant, and recovered by suit, in the name of the city, before any court having jurisdsction. [R. O. 1876.]

EXIT TO THEATRES HEREAFTER CONSTRUCTED.] § 25. Every theatre, opera house or public hall, with accomodations for three hundred or more people, hereafter erected or constructed within said city, shall have at least two separate and distinct exits, to be as far apart as may be practicable. The exits from all galleries shall be independent of, and separate from the exits of the main floor. All of said exits and the stairways leading thereto shall in no case be less than five feet in width, nor aggregate a less proportion than twenty inches for each one hundred persons such theatre or other room may contain or accommodate. All doors of such buildings shall be made to swing outwards. Any person violating this section or any part thereof shall be fined not less than one hundred dollars, and ten dollars for each day he shall allow such violation to remain, after having been once convicted hereunder.

Exits and Ladders to Theatres Now Built.] § 26. Any building, or any part thereof, now erected and now used, or hereafter used as a theatre, opera house or public hall, with accommodations for three hundred or more people, shall have at least two separate and distinct exits from the auditorium, to be as far apart as may be practicable, both of which can be used for the egress of people from the auditorium, in case of fire or accident. Said exits shall be at least five feet in width, and shall not aggregate a less proportion than twenty inches for each one hundred persons such theatre or other room may contain or accommodate. If such theatre or other room is in the upper story or stories of any building, such building shall also be provided with one or more metallic ladders or fire escapes, extending from the first to the upper stories of such building, to be placed in such location and of such number, material and construction as may be by the mayor, and the committee on fire and water of the city council, or a majority of them, from time to time determined.

PROCEDURE, TO ENFORCE CONSTRUCTION OF EXITS AND PLACING OF LADDERS.] § 27. In case any building, or any part thereof, now or hereafter used as a theatre, opera house or public hall, shall not have the necessary exits, or shall not be supplied with suitable or sufficient metallic ladders or fire escapes, as in the preceding

section provided, then said building shall be examined by the mayor and the said committee on fire and water, and the location of such additional exit and ladders or escapes shall be by them determined; and upon such determination as aforesaid, the mayor shall immediately serve, or cause to be served upon the owner, lessee or occupant of any such theatre, opera house or public room, a notice in writing, by copy, to construct such exit, and place and maintain such ladders or fire escapes within thirty days after the date of the service of such notice. In case such owner, lessee or occupant so served with said notice as aforesaid, shall not within thirty days after such service upon him or them, construct such required exit or place such required ladders upon said building as designated in such notice, he or they shall be fined not less than ten dollars nor more than two hundred dollars, and shall be subject to a further fine of fifty dollars for each week of such failure to comply with such notice after the service of the same: Provided, the mayor may in his discretion extend the time for such person so notified as aforesaid to comply with such notice, upon good and sufficient cause being shown him, for a period not exceeding thirty days, after the expiration of the thirty days named in said notice.

POWDER.] § 28. Whoever shall keep or cause to be kept, or knowingly allow his premises to be used for storing more than twenty-five pounds of powder within the city limits, within one hundred yards of a dwelling or storehouse, shall be subject to a penalty of not less than twenty-five dollars, and not exceeding one hundred dollars. [R. O. 1876.]

APPLICATION OF CHAPTER FROM SECTION 10 TO 29.] \$ 29. All of the sections of this chapter after and including section ten, shall apply to and be in force in all parts of the said city, both within and without the fire limits.

## CHAPTER XI.

### FIRE DEPARTMENT.

SECTION. S		SECTION.	
ı.	Members of fire department,	13.	Policemen to assist firemen.
2.	Chief of fire department.	14.	Fire apparatus—places for.
3.	Fire districts.	15.	Removing or interfering with appa
4.	Hose companies, etc.		ratus.
5.	Officers of companies.	16.	Tearing down buildings.
6.	Roster of men and officers eported	17.	Breaking apparatus.
	to council.	18.	Driving vehicle over hose.
7.	Rules and regulations of companies.	19.	Locomotives or cars running ove
8.	Duty of companies.		hose.
0	Citizene to occiet in drawing onne	-00	Proceedings of companies at hydronte

- ratus.

  10. City engineer to detail men to clean
- apparatus.
- Review of fire department.
   Members of fire department to obey orders of officers.

21. Throwing water on persons or property unnecessarily.22. Insignia of officers.

23. Uniform of men and badges.24. Absence of chief.

24. Absence of chief.25. Vehicles obstructing street at fire.

MEMBERS OF FIRE DEPARTMENT.] § 1. The fire department of the city of Danville shall consist of the mayor, members of the city council, a chief of fire department, the marshal, and city police, and such companies of horsemen and hook and ladder men as may be approved by the city council.

CHIEF OF FIRE DEPARTMENT.] § 2. The chief of fire department shall be the commanding officer of the department, and all the members thereof, subject only to the orders of the mayor, and also the orders of the city council when in session, and shall have charge of the fire hydrants of the city.

FIRE DISTRICTS.] § 3. It shall be the duty of the chief of the fire department to divide the city into suitable fire districts and cause a map thereof to be made designating the boundaries thereof, and the location of hydrants, hose reels, and other fire apparatus therein, and submit the same to the city council for its approval.

Hose Companies, etc.] § 4. As many volunteer hose companies or hook and ladder companies shall be organized and maintained in each of the said fire districts as may be approved by the city council. Such companies shall consist of such a number of men of good moral character, and qualified for the duties of firemen, as the council may approve. Such men to be enrolled in companies under such rules and regulations as may be adopted by the council as hereinafter provided.

OFFICERS OF COMPANIES.] § 5. The officers of all hose or hook and ladder companies shall consist of a foreman, who shall be the commanding officer of the company, and a first assistant and second assistant foreman, who shall be elected by the men of the re-

spective companies subject to the ratification and approval of the city council. When the officers so elected as aforesaid are accepted and approved by the city council, then such officers shall take the same oath, and be commissioned by the mayor the same as other officers of the city. When the officers elected by any company as aforesaid or any of them are not approved by the city council, then such company shall within one week after the rejection of such officer or officers, elect another officer or set of officers in place of those rejected. In default of which election last aforesaid, or in case the officer or officers so elected at the last election aforesaid are not approved by the city council, or for any reason the said companies fail to elect any officer acceptable to the city council then the mayor, by and with the consent of the city council, shall nominate and appoint such officers. All such officers shall hold their commissions for and during the municipal year. The foreman of the company shall be the officer entrusted with the care of all apparatus and property of the city assigned to said company. And such foreman before assuming the duties of his office shall execute to the city a bond in the sum of five hundred dollars, with surety to be approved by the mayor, conditioned that he will faithfully account for, and take care of all property of the city entrusted to his care, and turn the same over to the city upon the expiration of the term of his office.

ROSTER OF MEN AND OFFICERS REPORTED TO COUNCIL.] § 6. When any company is organized, a list of the officers and men enrolled shall be reported to the conucil, and such company shall be accepted by the council before such company shall have the custody of any fire apparatus or other property belonging to the city. When such company is accepted by the city council, the chief of the fire department shall issue certificates of membership to the men belonging thereto.

RULES AND REGULATIONS OF COMPANIES.] § 7. It shall be the duty of the committee on fire and water of the city council to prepare such by-laws, rules and regulations as they may deem necessary for the proper control, organization and discipline of the companies of the department, subject to the approval of the council, and such rules or by-laws shall be printed and a copy thereof furnished to each company, and shall be the law governing its organization. Any member of said companies violating any of such by-laws or rules may be expelled from said company on the order of the mayor. The chief of the fire department shall at the first regular meeting of the council in May, of each year, and at such other times as he may be ordered, report to the city council a correct list of all of the active members of the fire department then actually belonging to the department.

DUTY OF COMPANIES.] § 8. It shall be the duty of all such organized companies to attend any alarm of fire that may be sounded, and to repair to the fire with their fire apparatus, and there, under

the direction of the chief of the fire department or other officer in command, to perform such service as may be required to suppress such fire, and for the preservation of property endangered.

CITIZENS TO ASSIST IN DRAWING APPARATUS.] § 9. The officer in command of the fire department, or of any company, in going to or from any fire, shall have the authority to summon any able bodied citizen to assist in drawing any apparatus to or from a fire, or rendering any other necessary assistance in suppressing a fire; and any person who shall neglect or refuse to render such assistance when summoned so to do by any officer as aforesaid, shall be fined not less than three nor more than fifty dollars.

CITY ENGINEER TO DETAIL MEN TO CLEAN APPARATUS. § 10. The city engineer, or superintendent of street labor, shall whenever requested so to do by the commanding officer of the fire department, detail from the men under his control, and in the employ of the city, a sufficient number of men, who, immediately after a fire, parade or exercise of companies of the department, shall cleanse and put in order the fire apparatus belonging to such companies or used by them.

REVIEW OF FIRE DEPARTMENT.] § 11. There shall be a general review or exercise of the department with the fire apparatus belonging thereto, by the mayor and city council, during the month of October in each year, and at such other times as may be deemed necessary by the mayor. The mayor shall fix the time, and direct the details of such reviews, and issue his orders therefor to the chief of the fire department.

MEMBERS OF FIRE DEPARTMENT TO OBEY ORDERS OF OFFICERS.] § 12. Every member of any company organized under this chapter, shall obey all orders given him by the chief of the fire department, or the officer commanding the company. And any person violating or refusing to obey any such order shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than two dollar nor more than fifty dollars, and shall be expelled from said fire department.

POLICEMEN TO ASSIST FIREMEN.] § 13. It shall be the duty of all members of the police force to assist in drawing apparatus to and from fires, and they shall assist in the working of all fire apparatus at fires and shall take part in all drills and exercises of the department. It shall be the duty of all policemen, whether on duty or not, to respond to all fire alarms, and when not needed in the preservation of property or the public peace, they shall report to the chief of the fire department and be assigned by him to some company attending the fire, and upon such assignment they shall assist in working the fire apparatus, under the orders and direction of the officer commanding such company.

FIRE APPARATUS—PLACES FOR.] § 14. The city council shall from time to time procure the necessary hose reels, carts, hooks, ladders, buckets, hose, and other apparatus for the use of the department, and shall designate and provide safe and convenient places for the same in the different fire districts; which property shall be distributed to the different companies by the committee on fire and water.

Removing or Interfering with Apparatus.] § 15. Whoever shall remove any fire apparatus belonging to the fire department from the place of storage thereof, except under the order of some duly authorized officer of the department, or shall use such apparatus, or any property belonging thereto, for any purpose other than the suppression of fires, or for the drill of the company to which it may be assigned, or shall interfere with any officer in command of the department or of any of said companies, in the discharge of his duties at the fire, or in the care of such apparatus, shall be in either case, fined not less than three dollars, nor more than one hundred dollars.

Tearing Down Buildings.] § 16. The mayor or the officer in command at any fire may direct the tearing down, removal or destruction by any proper means, of any building, fence or erection, when he shall deem it necessary for the purpose of checking the progress of the fire. [R. O, 1876.]

BREAKING APPARATUS. § 17. Whoever shall willfully break, deface or destroy, or otherwise injure any fire apparatus belonging to the city or any fire company, shall be subject to a penalty of not less than twenty-five dollars, and not exceeding one hundred dollars; and in addition thereto the expenses which may be incurred in repairing the injuries committed, shall be added to the penalty and form a part thereof.

Driving Vehicle Over Hose.] § 18. Whoever shall drive any vehicle over any hose of the fire department laid for use upon any street or alley, except at a point where such hose is protected by wooden railings laid along side thereof, or otherwise, shall be fined not less than three dollars, nor more than fifty dollars.

LOCOMOTIVES OR CARS RUNNING OVER HOSE.] § 19. Any engineer of any railroad locomotive who shall run any locomotive, or any car, or cars attached thereto, over any hose of the fire department laid for use over or across any railroad track, shall be fined not less than five dollars, nor more than fifty dollars; and the conductor, or other person in charge of any such car, or train of cars, running over said hose as aforesaid, shall also be subject to the same penalty.

PRECEDENCE OF COMPANIES AT HYDRANTS.] § 20. In all cases of fire, the hose company, or any member thereof, which shall first reach a public hydrant, with the necessary hose to attach to the same, shall be entitled to the use of the hydrant; and any person

who shall attempt to hold possession of such hydrant without having the hose at hand for immediate use, or who shall refuse to let the water be turned on, or who, having a wrench in his possession, shall refuse the use of it to turn the water on or shut the same off, shall in either case be fined not less than five dollars, nor more than one hundred dollars, and if he is a member of the fire department he shall be expelled therefrom.

THROWING WATER ON PERSONS OR PROPERTY UNNECESSARILY.] § 21. Whoever shall willfully, or unnecessarily throw any stream of water from any fire hose upon any person or property, whether at a fire, or drill of the department, or in the test of any portion of the water works of the city, shall be fined not less than three dollars, nor more than fifty dollars.

INSIGNIA OF OFFICERS.] § 22. The chief of the fire department shall be designated by a band on his hat and a white speaking trumpet, with the words "chief" printed on each. The foreman and the assistant foremen of the several companies shall be designated with a red band on their hats and red speaking trumpets with the words "foreman," "first assistant" or "second assistant foreman," as the case may be, together with the number of their company printed thereon.

UNIFORM AND BADGES OF MEN.] § 23. The several companies may provide themselves with such uniforms or badges as they may desire, subject to the approval of the city council.

ABSENCE OF CHIEF.] § 24. The chief of the fire department shall not absent himself from the city without permission from the mayor, under a penalty of not less than five dollars. And in case of his absence, or any vacancy in the office of chief, the mayor shall designate the foreman of any company of the department, or other competent person, as the acting chief of the fire department, who shall possess all the authority and power of the officer during such temporary appointment.

VEHICLES OBSTRUCTING STREET AT FIRE.] § 25. Whoever shall stop with any wagon, carriage or other vehicle in the street, at any point contiguous to a fire, so as to obstruct or blockade any street or alley, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than three dollars nor more than fifty dollars.

# CHAPTER XII.

## FEES AND SALARIES.

### SECTION.

- I. Mayor's salary.
- 2. Compensation of aldermen.
- 4. City treasurer's salary.
- 3. City attorney's salary,

### SECTION.

- 5. City clerk's salary.
- 6. City engineer's salary.
- 7. Compensation of marshal and police. 8. Salaries of members of fire department

MAYOR'S SALARY.] § 1. The mayor of the city of Danville shall receive an annual salary of six hundred dollars, payable in quarterly installments.

city shall each receive for his services the sum of two dollars per night for each meeting of the council, actually attended by him, payable quarterly.

SALARY OF CITY ATTORNEY. \ \ 3. The city attorney shall receive an annual salary of six hundred dollars, per annum, payable quarterly.

SALARY OF CITY TREASURER. ] § 4. The city treasurer shall receive as his salary one per cent. on all the moneys disbursed by him during each year, payable monthly.

SALARY OF CITY CLERK.] § 5. The city clerk shall receive an annual salary of six hundred and fifty dollars, payable monthly.

SALARY OF CITY ENGINEER.] § 6. The city engineer shall receive a salary of seventy-five dollars per month, payable monthly.

Compensation of Marshal and Police. \ \§ 7. The city marshal shall receive a salary of seventy-five dollars per month, payable monthly; and each policeman shall receive fifty five dollars per month, payable monthly: Provided, that the salary of the men who may be designated as turnkey shall receive forty-five dollars per month.

Salaries of Members of Fire Department.] § 8. The salaries of the several members of the paid fire department shall be as follows, viz:

Chief of fire department, sixty dollars per month.

First engineer, sixty dollars per month. Second engineer, fifty dollars per month.

Driver of engine, fifty-five dollars per month.

Driver of hose cart, fifty dollars per month.

Stoker, fifty dollars per month. Hosemen, fifty dollars per month.

Each of the foregoing salaries payable monthly. This section shall not apply to officers or men of volunteer fire companies in the service of the city.

## CHAPTER XIII.

#### HEALTH DEPARTMENT.

#### SECTION.

- I. Board of health—organized when. 2. Officers of board—mayor member.
- 3. Duties of board.
- Powers of board.
   Temporary hospital.
   Removal of persons to hospitals.
   Term of office of board—compensa-
- Orders of the board.
- 9. Small-pox—duty of mayor—flags, etc

### SECTION.

- 10. Duty of police-persons confined to infected districts.
- 11. Unlawful for persons to go abroad when.
- Duty of mayor to give notice, etc. 12.
- 13. Mayor to employ nurses, etc.
- 14. Duty of physicians.
- 15. Duty of marshal, inspection, etc.
- Disobeying orders of marshal—pen-

BOARD OF HEALTH ORGANIZED WHEN. ] § 1. Whenever the small-pox, or any other infectious, contagious or malignant disease exists in the city, or whenever there is danger of the same so existing, or whenever the sanitary condition of the city demands the supervision of such a board for the preservation of the public health, the mayor, by and with the consent of the city council, shall nominate and appoint six reputable citizens of the city, who shall constitute the board of health in and for the city of Danville.

Officers of Board—Mayor a Member.] § 2. The mayor of the city shall be ex-officio a member of the board, and shall act as the president thereof, and preside at all its meetings. The city clerk shall act as the secretary of the board, and shall keep a record of all its orders, and proceedings.

DUTIES OF THE BOARD.] § 3. The board shall exercise a general supervision over the health of the city, and shall make general and diligent examination and inquiry into all matters affecting the same. It shall cause all nuisances to be abated and removed which it may deem prejudicial to the public health, and it may make such sanitary rules and regulations as it deems expedient or necessary to preserve and promote the public health or to prevent the introduction or spreading of any contagious, malignant, infectious or pestilential disease.

shall have the right at all times during daylight to enter any house, store, stable or other building or premises, and to examine and inspect the same, and if he deems it necessary, to cause the floors to be raised in order that he may examine any cellar, vault, sink or drain; and to cause all privies, water closets, dry wells, swill barrels to be cleansed, renovated or removed; and to cause all dead animals, or any nauseous or unwholesome thing or substance to be removed or disposed of as they may direct; and to cause any and all premises within the city to be cleansed, and all nuisances removed therefrom.

In case of pestilence or epidemic disease, or of danger from anticipated or impending pestilence or disease, or in case the sanitary condition of the city should be of such character as to warrant it, the said board can take such measures, and do, order, or cause to be done, such acts for the preservation of the public health as it may deem the public health and safety demand.

Temporary Hospitals.] § 5. Whenever it may be deemed necessary, the city council shall locate and establish a temporary hospital at any safe, retired or proper place, not exceeding five miles from the city, and the said hospital shall be under the management and care of the board of health when organized. The said board shall have power to provide suitable nurses and other attendants for all persons sent to said hospital.

Removing Persons to Hospital.] § 6. The board of health may cause any person having any infectious, contagious, or pestilential disease to be removed to such hospital, and there provide the necessary medical attention, nurses, and other provisions for such person, at his expense, if he is able to pay for the same, and if not so able, then at the expense of the city.

Term of Office of Board—Compensation.] § 7. The term of office of the members of said board shall not extend beyond the municipal year in which they are appointed; and the city council may, by resolution, at any time during the municipal year, discharge the said board from further service. The said several members of the board shall not be entitled to any compensation for their services.

Orders of the Board—How Made—Penalty for Disobey-Ing.] § 8. All orders of the board when in session shall be made in writing and certified to by the clerk, and the mayor shall cause them to be executed by the police force of the city. Whoever shall refuse or neglect to obey any order of the said board of health, or any member thereof, whether general or special, verbal or written, shall be deemed guiltyof a misdemeanor, and be fined not less than three dollars, nor more than one hundred dollars.

IN CASE OF SMALL POX, ETC.—DUTY OF MAYOR—FLAGS, ETC.] § 9. Whenever the small pox, or any other infectious or contagious disease exists in the city, the mayor is empowered, and it is hereby made his duty, to have red flags put up and kept up on every house in which such disease shall break out, on which flags or on boards prepared for that purpose shall be painted or printed the name of the disease. [R. O. 1876.]

DUTY OF POLICE—PERSONS CONFINED TO INFECTED DISTRICTS.] § 10. It shall be the duty of the police officers of the city to see that all persons connected with the families, or residing in the houses in which such diseases may exist, are kept within the infected dis-

tricts, and the mayor shall so assign the police officers to duty, that one of them shall visit such infected districts at least once in every three hours in the day time, and at least twice in the night time, and shall perform all necessary errands for the persons or families infected; and such police officers shall see that the persons connected with the families infected aforesaid are kept within the prescribed limits. [R. O. 1876.]

Unlawful for Persons to go Abroad When.] § 11. It shall not be lawful for any person connected with any family, or an inmate of any house infected as aforesaid, to visit, or frequent, or go into the business or inhabited portions, streets or thoroughfares of the city while such infectious or contagious disease shall be or exist in the city, and every person who shall be connected with any family or an inmate of any house infected, as aforesaid, who shall visit or frequent or go into the business or inhabited portions, streets or thoroughfares of the city while such infectious or contagious diseases shall be, or exist in the city, shall be subject to a penalty of five dollars for every time he shall leave the said infected premises for the purpose of going into the business or inhabited portion, streets or thoroughfares of the city as aforesaid. [R. O. 1876.]

DUTY OF MAYOR TO GIVE NOTICE—WHEN.] § 12. Whenever it shall come to the knowledge of the mayor that any infectious or contagious disease has broken out or exists in the city, it shall be the duty of the mayor to give notice to the persons occupying the houses or premises in which the disease exists, that the provisions of this ordinance will be enforced, and shall give notice that the persons mentioned in section eleven of this ordinance are required to keep within the bounds prescribed, and the mayor is further authorized to see that the families thus kept within bounds are furnished with all necessary food and medicine. [R. O. 1876.]

MAYOR TO EMPLOY NURSES.] § 13. Whenever it shall be necessary, in case of an infectious or contagious disease, to employ nurses or attendants for the persons diseased as aforesaid, the mayor is hereby authorized to supply the necessary nurses and attendants at the expense of the persons so diseased, or their natural protectors, when they have sufficient property for that purpose, but in the case of a poor person, or those unable to procure the assistance of such nurses or attendants, at the expense of the city. [R. O. 1876.]

DUTY OF PHYSICIANS.] § 14. It shall be the duty of all physicians practicing medicine in said city, whenever any case of small-pox, or other infectious, contagious or pestilential disease, comes under their care or notice, to immediately give notice of the same to the mayor. Any person neglecting or refusing to give notice to the mayor as required by this section, shall be fined not less than twenty-five dollars, nor more than two hundred dollars.

DUTY OF CITY MARSHAL—INSPECTION, ETC.] § 15. When-

ever there is no Board of Health organized in the city, it shall be the duty of the city marshal from time to time, or as often as he shall be requested by the mayor to go into or upon any premises, and make a careful examination of the same with reference to their sanitary condition and arrangement, and to give such orders and directions in relation to their ventilation, cleanliness and sanitary condition in general, as he may deem necessary to secure, protect, preserve and restore the general health and to prevent the introduction of contagious or other diseases into the city.

DISOBEYING ORDERS OF MARSHAL.] § 16. Whoever shall refuse or neglect to obey or carry out the direction or orders of the marshal, given in pursuance of the preceeding section, shall be fined not less than three dollars nor more than ten dollars for each day of such neglect or refusal.

WWR Woodbury

# CHAPTER XIV.

# JUNK DEALERS.

### SECTION.

#### SECTION.

- Junk dealer defined.
   Penalty for dealing in junk without
- license.
  3. Terms upon which license shall be
- granted.
  4. Expiration of license.
- 5. Junk dealer's record.
- Inspection—penalty for refusing or evading.

7. Purchase from minors forbidden.

8. Time goods purchased are to be kept.9. Railroad brass and iron—possession of *prima facie* evidence.

Agents of junk dealer liable, etc.
 Violation of chapter to cause forfeiture of license.

JUNK DEALERS DEFINED.] § 1. Whoever shall deal in, purchase, buy or barter for old iron, copper, brass, or other metal, rags, old rope, old canvass, or such material as is usually denominated or known as junk, are hereby declared to be junk dealers, within the meaning of this ordinance.

PENALTY FOR DEALING IN JUNK WITHOUT LICENSE.] § 2. Whoever shall carry on or conduct the business of a junk dealer within the city of Danville, without having first obtained a license so to do, in accordance with the provisions of this chapter, shall be fined not less than one hundred dollars for each and every offense.

TERMS UPON WHICH LICENSE SHALL BE GRANTED.] § 3. The mayor is hereby authorized to grant a license to junk dealers at his discretion on the following conditions:

First: The person so applying for such license shall be, to the satisfaction of the mayor, a person of good moral character, and such applicant shall pay as a license fee the sum of one hundred dollars per year, payable in quarterly installments in advance.

Second: The applicant shall execute a bond to the City of Danville with one or more sureties to be approved by the mayor in the penal sum of one thousand dollars, conditioned that the said applicant shall, in every particular conform to the requirements or provisions of all existing ordinances of said city and such ordinances as may thereafter be passed, concerning junk dealers; and thereupon the city clerk shall issue to such applicant a license as junk dealer, under the corporate seal of the city, signed by the mayor and countersigned by the clerk.

EXPIRATION OF LICENSE.] § 4. Every license issued under this chapter shall expire at the end of the municipal year in which it is granted, subject, however, to the right of the mayor to revoke such license at any time, in his discretion, for cause which may appear to him sufficient.

JUNK DEALER'S RECORD TO BE KEPT. ] § 5. Every person

licensed, as aforesaid shall keep at his place of business, a substantial and well bound book, in which he shall enter a description of all personal property purchased by him, with the date of the purchase, the name, and residence or place of business of the person from whom such purchase was made, also entering any prominent or descriptive marks that may be on such property. Said book shall be kept clean and legible and all the entries made therein shall be in ink; and no entry therein shall be afterwards erased, obliterated or defaced. Any person licensed under this chapter, as aforesaid, who shall neglect or refuse to comply with any of the provisions of this section, shall be fined not less than five dollars, nor more than one hundred dollars for each and every offense.

Inspection.] § 6. Every person so licensed as aforesaid shall, during ordinary business hours, when requested by the mayor, marshal, or any policeman, submit and exhibit said book, provided for in section five of this chapter, to the inspection of either of the above named officers. And every such person licensed as aforesaid, shall also allow the mayor, city marshal, or any policeman of the said city to enter the place of business of such person during business hours and examine and inspect the stock in trade belonging to such person, and make such examination of his premises as such officer may desire in the discharge of his official business. Any person who shall refuse to permit such officer to make such inspection, or shall hinder, delay or obstruct him in making the same, or shall refuse to show such officer any property, article or thing in the custody or possession of such junk dealer, when requested so to do by such officer shall, in either case, be fined not less than ten dollars nor more than one hundred dollars for each offense.

PURCHASING FROM MINORS FORBIDDEN.] § 7. No keeper of a junk shop shall purchase any goods, article or thing whatsoever, except old rags, old rubber boots or shoes, and waste paper, from any minor under the age of eighteen years, without the written consent of the parent or guardian of such minor specifying the article permitted to be sold, under a penalty of not less than five nor more than fifty dollars for each offense.

Time Goods are to be Kept.] § 8. Every junk dealer shall keep in his possession, without changing the form or character thereof, each article of property received by him in the course of his business as such junk dealer, for the full period of three days, under a penalty of ten dollars for each offense.

RAILROAD BRASS AND IRON, ETC.] § 9. No junk dealer shall purchase or receive any car-truck brass, or railroad brass of any kind, or railroad iron of any description from any person, except from railroad corporations, or their agents duly authorized to sell the same, under a penalty of not less than ten dollars, nor more than one hundred dollars for each offense. The fact that any such railroad brass

or railroad iron is found in the possession of, or in the place of business of any junk dealer, shall be considered as *prima facie* evidence of a violation of this section, and, unless such possession is shown to have been acquired lawfully, shall subject such dealer to the aforesaid penalty, and be sufficient cause for the immediate forfeiture of his license.

AGENTS OR EMPLOYEES OF JUNK DEALER.] § 10. Any agent, clerk, or employee of any licensed junk dealer, who shall violate any of the provisions of this chapter, shall be subject to the same penalties herein prescribed for such violation, when done by a licensed junk dealer.

VIOLATIONS OF THIS CHAPTER TO CAUSE FORFEITURE OF LICENSE.] § 11. Any violation of any of the provisions of this chapter by any junk dealer, or by his clerk, agent, or employee shall be sufficient cause for the revocation of the license of such junk dealer, in the discretion of the mayor.

## CHAPTER XV.

### LICENSE.

### SECTION.

#### SECTION.

- 1. Mayor to receive application. 2. Applications—how made.
- Not assignable, without consent.
- 3. Terms of License; how signed, etc. 7. Form of license.
  4. Subject to ordinances; may be re- 8. Duty of marshal.
- Clerk to keep register.
- voked, etc.
- Duty of marshal.

MAYOR TO RECEIVE APPLICATIONS. ] § 1. The mayor shall receive applications for licenses and grant the same in all cases where it is not otherwise expressly provided, upon the terms and conditions specified by ordinance. But if he shall not feel authorized to grant any application for a license for any purpose, he may report such application to the next meeting of the city council for their action thereon. [R. O. 1876.]

license under the ordinances of the city for any purpose, shall make a written application to the mayor therefor, stating the purpose for which the same is desired, for what length of time, and specify the place where his business is to be carried on, and, if required by ordinance, to file bond before being licensed; he shall also name his proposed sureties on his bond in his application. If the mayor shall grant such application, he shall indorse the same thereon, together with the amount taxed for the license, and upon the filing of the application so indorsed, with the city clerk, and the payment of the amount specified, the city clerk shall issue to such applicant a license for the purpose and time specified. [R.O.1876.]

TERM OF LICENSE—How SIGNED, ETC.] § 3. No license shall be granted for a longer period than the municipal year, and all licenses shall be signed by the mayor and countersigned by the city clerk, under the corporate seal. No license shall be valid until signed and countersigned as aforesaid, nor shall any person be deemed licensed until a license shall be duly issued to him. Each license shall be dated the day of the issuing thereof, but if the applicant has been acting without a license, then it shall be dated from the time he commenced acting. [R. O. 1876.]

LICENSE SUBJECT TO ORDINANCES—REVOCATION. ] § 4. All licenses granted shall be subject to all ordinances relating to license which may be in force at the time of the issuing thereof, or which may be subsequently adopted by the city council, or if any person licensed shall violate any provision of any ordinance in relation to his license, he may be proceeded against for any fine or penalty imposed thereby,

and his license may be revoked or forfeited, in the discretion of the city council, or of the court or magistrate before whom any action may be brought for the recovery of any fine or penalty. [R. O. 1876.]

LICENSES NOT ASSIGNABLE.] § 5. No license granted shall be assignable or transferable, nor shall any person be authorized to do business, or act under such license but the person to whom it is granted, or in any other place than the place specified therein, without the consent of the city council, to be certified on such license by the city clerk, nor shall any license authorize any person to act under it at more than one place at the same time, nor at any other time than is therein specified. Whoever shall violate any provisions of this section, shall be deemed to be acting without license, and shall be subject to the same penalty as is prescribed for acting without license. [R. O. 1876.]

REGISTER OF LICENSE.] § 6. The city clerk shall keep a license register in which he shall enter the name of each person licensed, for what purpose licensed, the place of business, the date of the license, the amount paid and the date of the expiration of the same. He shall pay into the city treasury on the first Monday of each month all money received by him on account of licenses. He may charge and receive a fee of fifty cents for each license issued by him where the fee charged is ten dollars or less, and one dollar and fifty cents where the fee charged is more than ten dollars, and a fee of fifty cents for certifying the consent of the city council to the assignment, or transfer of any license or change of place of business of any licensee. [R. O. 1876.]

Form of License ] § 7. Licenses may issue, as near as may be, In the following form, to-wit: "A. B.——, of the city of Danville, to all whom these presents may come, greeting: Know ye that C. D., having made application in due form, filed bond, and paid into the city treasury——dollars, and in all other respects complied with the ordinance of the city in this behalf, therefore, I, A. B., mayor of the city of Danville, for and in behalf of said city, do hereby authorize, empower and license the said C. D., (here set forth the business or purpose of the license) at——for——from——. Nevertheless, this license is granted upon this express condition, that if the said C. D. shall observe and obey all ordinances of the city which are or may be in force regulating or relating to said business, then this license shall be valid for the said period; otherwise it may be annulled, revoked or forfeited at the option of the city council, or in any other manner provided by ordinance.

In testimony whereof, I have hereunto set my hand and caused the corporate seal of said city to be affixed at the city of Danville, this—day of——, A. D. 18—.

[SEAL.] A. B., Mayor. Countersigned and registered: E. F., City Clerk. [R. O. 1876.]

DUTY OF MARSHAL.] § 8. The city marshal shall enforce all ordinances in relation to licenses, and shall from time to time examine the license register, and prosecute all persons who may be acting without license. [R. O. 1876.]

### CHAPTER XVI.

## LIQUORS.

### SECTION.

- I. Liquors; license required.
- Mayor to grant; application to be in writing; not to be granted to minor or non-resident.
- 3. Bonds required.
- 4. Application to state time, place and names of sureties.
- Application for license to be presented to mayor; persons disqualified.
- 6. License; when granted.
- 7. License to be granted only to party making application.
- 8. Dramshop to be closed on Sunday; penalty.
- Marshal and police to enforce ordinances.
- 10. License may be revoked-when.
- II. Dramshop open-when,
- Keeper of dramshop to keep orderly house—penalty.
- 13. Drunkenness and gaming forbidden —penalty.

#### SECTION.

- 14. Officers to report convictions—penalty.
  - 5. License not to be granted when fines are unpaid.
- Minors not to be employed nor permitted to frequent dramshops
   —penalty.
- 16a. Minors forbidden in saloons, etc.
- 17. Liquor not to be sold to habitual drunkard.
- 18. License not to be assigned; one place of business.
- 19. License and ordinance to be posted.
- 20. Permits to druggists.
- 27. Druggists to make application for permit.
- 22. Druggists to keep register—penalty.
  23. False statement to druggist—pen-
- 24. Mayor to present application for permit; permit to be signed and countersigned.
- 25. Druggists to give bonds.
  - 6. Evasion, etc.

LIQUORS; LICENSE REQUIRED.] § 1. No person shall, within the city, by himself, his servant or clerk, directly or indirectly sell, barter, exchange or deliver, or otherwise dispose of any intoxicating, malt, vinous, mixed or fermented liquors in a less quantity than one gallon, to be carried away at one time from the place of sale or delivery, or in any quantity whatever to be drank upon the premises, or in or upon any adjacent room, building, yard or premises or place of public resort, without a license therefor in accordance with the requirements hereof, under a penalty of not less than twenty dollars and not exceeding one hundred dollars, for each offense. [R. O. 1876.]

MAYOR AND COUNCIL TO GRANT LICENSE—RATE OF LICENSE.] § 2. The mayor, by and with the consent of the city council, may grant license to such person or persons as may apply therefor to him in writing, to retail intoxicating, malt, vinous, mixed or fermented liquor in any quantity less than one gallon, upon such person or persons paying into the city treasury a sum at the rate of six hundred dollars per annum, payable quarterly in advance, and entering into bonds in the manner required in the third section hereof. *Provided*, that no license shall be granted under the provisions of this ordinance to any minor or non-resident of the city. [R. O. 1876.]

BOND TO PEOPLE AND CITY REQUIRED.] § 3. Before a license shall be granted to keep a dramshop for the sale of intoxicating, malt, vinous, mixed or fermented liquors under the provisions hereof, the person or persons applying for such license shall execute a bond in the penal sum of three thousand dollars, payable to the People of the State of Illinois, with at least two good and sufficient sureties, free holders of the county in which the license is to be granted, to be approved by the mayor and council, conditioned that the person to whom such license is granted shall pay to all persons all damages that they may sustain either in person or property, or means of support, by reason of the person so obtaining a license selling or giving away intoxicating liquors, as required by law. And such persons shall also execute a bond to the city of Danville in the sum of one thousand dollars liquidated damages, signed by at least two freeholders of the city, each to the value over and above their homestead exemption of at least the penalty of the bond as sureties, to be approved by the city council, and conditioned that the person to whom such license is granted shall observe and obey all laws and ordinances now in force, or such as may hereafter be in force regulating and governing keepers of dramshops; and any breach of its condition shall work a forfeiture of the whole penalty thereof, the amount of which shall be recovered before any court having jurisdiction. Any person offered as security upon the first of the herein named bonds, payable To the People of the State of Illinois, may be required by the mayor to appear in person before him, and he may examine him under oath and require him to subscribe and swear to his statement in regard to his pecuniary ability to become such security. [R. O. 1876.]

APPLICATION FOR LICENSE.] § 4. Any person desiring a license, under the ordinance of the city, to keep a dramshop for selling at retail intoxicating, malt, vinous, mixed or fermented liquors in less quantities than one gallon, shall make a written application to the mayor, stating the length of time for which he desires such license, the place where his business is to be carried on, and the names of the persons who will become his sureties on the bond required by ordinance.

Applications to be Presented to Council—Persons Disqualified.] § 5. When application is made for a license to keep a dramshop as aforesaid, it shall be the duty of the mayor to receive and present the same at the next meeting of the city council, and the city council may grant the same upon the terms and conditions specified by ordinance, unless the applicant or one or more of the applicants shall be a minor or non-resident of the city, or shall have been convicted of some crime which by the laws of this state would render him, her or them infamous, or shall have been twice convicted of violating the ordinance of said city concerning, regulating or governing keepers of dramshops or retailers of liquors, or unless such

applicant or applicants or some one or more of them shall have failed or refused, after having been once convicted of any violation, to pay the fine or penalty, or the cost or some part thereof assessed therefor. If the application be granted, the mayor shall endorse the grant thereof on such application, together with the amount taxed for such license. - [R. O. 1876.]

CLERK TO ISSUE LICENSE.] § 6. Upon the filing of the application so endorsed as aforesaid in the city clerk's office, together with the bond aforesaid, conditioned as aforesaid, with such securities and approved as aforesaid, and the approval thereof endorsed thereon, and paying to the city clerk the amount required for such license, a license to retail intoxicating, malt, vinous, mixed or fermented liquors in any quantity less than one gallon at the place named in the application, shall be issued to such applicant in the general form and manner prescribed by the ordinance of said city for other license.

LICENSE ONLY GRANTED TO PARTY MAKING APPLICATION. § 7. Whenever any person shall make application to the mayor for a license to keep a dramshop for retailing intoxicating, malt, vinous, mixed or fermented liquors, and the mayor shall be satisfied that the application is made for the benefit of any other person, who is not entitled to a license under the provisions of this ordinance, or that any such person not entitled to a license is to be in any manner interested in the business to be carried on under such license, or in any manner employed therein, or if he shall be satisfied that such application is made for the purpose of avoiding the 15th section of this ordinance, he shall refuse to grant such license, and if any person shall make such application for the benefit of any other person not entitled to a license under the provisions hereof, or if any person not entitled to such license shall be in any manner interested in the business to be carried on under such license, or shall be employed as an agent, clerk or servant in such business, then any license which may be granted on such application shall be absolutely null and void.

Selling on Sunday Forbidden.] § 8. No keeper of a dramshop, licensed under the provisions hereof to retail intoxicating, malt, vinous, mixed or fermented liquors shall, on Sundays, keep open or suffer or permit to be kept open any part of his place of business, nor shall on Sundays in any manner sell or deliver any intoxicating, malt, vinous, mixed or fermented liquors, or suffer or permit any such liquor to be used or drank on his place of business, or in any place adjacent thereto under his control, under a penalty of not less than fifty dollars, nor more than two hundred dollars for each offense. [R. O. 1876.]

DUTY OF POLICE OFFICERS.] § 9. The city marshal and policemen shall see that the provisions hereof are strictly observed and enforced, and shall prosecute all violations of the same, and any person may make complaint of any violation before the police magis-

trate and have the offender prosecuted as in other cases, and it shall be the duty of the city marshal and all policemen to arrest or cause to be arrested and prosecuted without delay all persons who may be found intoxicated or riotous in any public place. [R. O. 1876.]

FORFEITURE OF LICENSE ON SECOND CONVICTION.] § 10. Upon a second conviction for a violation of any of the provisions hereof, in addition to the penalty imposed the license of the offender may, by resolution of the council, be revoked or declared forfeited at the option of the city council. [R. O. 1876.]

DRAM SHOP OPEN, AT WHAT HOURS.] § 11. No keeper of a dram shop shall keep open, or suffer to be kept open his place of business, or sell any liquor therein, or therefrom, or suffer any person not belonging thereto or connected therewith, to remain in any part thereof, before the hour of five o'clock in the morning, or after the hour of ten o'clock in the evening of each day. Any person violating this section or any part thereof, shall be fined not less than five dollars, nor more than one hundred dollars for each offense.

KEEPER OF DRAMSHOP TO KEEP ORDERLY HOUSE—PENALTY.] § 12. No keeper of a dramshop licensed under the provisions hereof to retail intoxicating, malt, vinous, mixed or fermented liquors, shall suffer any violent, tumultuous, offensive or disorderly conduct, or obscene, profane or unseemly language, quarreling, fighting, or other disturbance in or about his place of business, or in any place adjacent thereto under his control, to the annoyance, disturbance or vexation of others, under a penalty of not less than five dollars, nor more than one hundred dollars for each violation [R. O. 1876.]

Drinking to Excess—Gaming Forbidden.] § 13. No keeper of a dramshop, licensed under the provisions hereof to retail intoxicating, malt, vinous, mixed or fermented liquors as aforesaid, shall, by himself, his clerk or his servant, suffer or permit any person to drink to excess on his premises, nor shall suffer or permit any species of gaming in any part thereof, or in any place adjacent thereto under his control, under a penalty of not less than ten dollars, and not exceeding two hundred dollars for each offense. [R. O. 1876.]

S 14. Whenever any person or persons licensed under this or any other ordinance of said city to keep a dram shop as aforesaid, shall be by any court of competent jurisdiction adjudged to pay any fine, cost or penalty for violating the ordinance of said city regulating, governing or concerning the keepers of dram shops, it shall be the duty of the city attorney, city marshal, policemen or other officers of the city making complaint in or prosecuting the same, wherein such judgment was rendered, and each and all such officers, immediately to report such judgment to the mayor; and if any such officers shall fail or refuse to make such report within two days after the rendition of such judg-

ment, he shall be subject to a penalty of not less than ten dollars, nor more than one hundred dollars. [R. O. 1876.]

LICENSE NOT TO BE GRANTED WHEN.] § 15. Whenever any person licensed to keep a dramshop as aforesaid, shall be convicted of violating any ordinance of the city concerning, regulating or governing keepers of dramshops or retailers of liquors, it shall be the duty of the mayor and council to refuse to grant such person any other or further license to retail intoxicating, malt, vinous, mixed or fermented liquors in the city, until the fine or penalty adjudged against such person for such violation shall have been fully paid and satisfied, together with all costs therein, or the case wherein such fine or penalty was adjudged shall have been duly appealed. And whenever any person licensed to retail intoxicating, malt, vinous, mixed or fermented liquors as aforesaid shall have been twice convicted before any court of competent jurisdiction of violating any such ordinance of the city, it shall be in the discretion of the mayor to refuse such person so convicted any other or further license to keep a dramshop in said city; and whenever any person so licensed as aforesaid, shall have been three times convicted before any such court of violating any such ordinance, it shall be the duty of the mayor forever thereafter to refuse to grant such person so convicted any license to sell intoxicating, malt, vinous, mixed or fermented liquors in said city. *Provided*, however, that if any of the cases wherein the persons licensed as aforesaid shall have been convicted as aforesaid shall be appealed, and upon the hearing of such cause on appeal such person shall be found not guilty of the violation or violations for which he was convicted in the court below, or of the fine or penalty adjudged for such violation whereof he may be convicted shall be remitted by the city council, then such conviction shall not be considered from and after the reversal thereof, or the remission of the fine or penalty assessed therefor, as a conviction within the meaning of this section so as to bar such person of his right to such license. [R. O. 1876.]

EMPLOYMENT OF MINORS—LIQUORS TO INTOXICATED PERSONS FORBIDDEN.] § 16. No keeper of a dramshop licensed under the provision hereof to sell intoxicating, malt, vinous, mixed or fermented liquors, shall employ any minor as a servant or clerk in his business, nor shall sell, give or deliver any intoxicating, malt, vinous, mixed or fermented liquors to any minor or intoxicated person, nor shall harbor, or entice, or suffer any intoxicated person or minor to remain or loiter in or about his place of business, under a penalty of not less than ten dollars, nor more than one hundred dollars for each offense. [R. O. 1876.]

MINORS FORBIDDEN IN SALOONS, ETC.] § 16a. Any minor who shall loiter, or idle in any saloon, or place where intoxicating liquors are sold, or shall play at any game, or drink any intoxicating liquor therein, shall for either offense be fined not less than

three dollars, nor more than twenty-five dollars.

Selling to Habitual Drunkards Forbidden.] § 17. No keeper of a dramshop licensed under the provision hereof, nor any other person, shall sell, give or deliver any intoxicating, malt, vinous, mixed or fermented liquors to any habitual drunkard, or to any habitually intoxicated person, after having been notified by the parents or other relative of such person that he is an habitual drunkard or habitually intoxicated person, and requesting such retailer or other person not to sell, give or deliver him any such liquors, under a penalty of not less than twenty dollars, nor more than one hundred dollars for each offense. [R. O. 1876.]

LICENSE NOT TRANSFERABLE.] § 18. No license granted under the charter or any ordinance of the city for the sale of intoxicating, malt, vinous, mixed or fermented liquors shall be assignable or transferable, nor shall any person be authorized to do business or to act under such license but the person to whom it is granted, or at any other place than the place specified therein, without the consent of the mayor or mayor pro tem., with the approval of the city council, to be certified on such license under his hand and the seal of the city, and countersigned by the city clerk; nor shall any such license authorize any such person to act under it at more than one place at the same time, nor at any other time than therein specified. Whoever shall violate the provision of this section shall be deemed as acting without a license and be subject to the same penalty as is prescribed for acting without a license. [R. O. 1876.]

LICENSE AND ORDINANCE TO BE POSTED.] § 19. Every keeper of a dramshop licensed under the provision of the second and third sections hereof shall keep his license posted up in some conspicuous place in his place of business.

PERMITS TO DRUGGISTS.] § 20. The city council of the city of Danville may grant permits to all druggists who may apply therefor to them in writing, to retail liquors in any quantity less than one gallon for medicinal, mechanical, sacramental and chemical purposes only, which permit shall extend to the end of the then municipal year. [R. O. 1876.]

APPLICATION FOR PERMITS.] § 21. Any druggist desiring a permit under the ordinance of said city to retail liquors in less quantities than one gallon for medicinal, mechanical, sacramental and chemical purposes, shall make a written application therefor to the city council, stating place where his business is to be carried on. [R. O. 1876.]

REGISTER OF SALES BY DRUGGISTS.] § 22. All druggists who may be permitted as herein provided to retail in less quantities than one gallon, liquors for medicinal, mechanical, sacramental and chem-

ical purposes only, shall, before selling or otherwise disposing of any such liquors as aforesaid, use due diligence and all reasonable means to ascertain that the same is intended *bona fide* for such purposes, and shall and are required to keep a register of all such sales in a book provided by them for that purpose, in which they shall enter the name of the person obtaining the same, the name of the liquor sold, the amount sold, and the purpose for which said liquor was intended, which said register shall at all times be kept in public view and open to public inspection. Any violation hereof shall subject the offender to a fine of not less than twenty dollars, and not exceeding one hundred dollars for each offense. But this shall not be deemed to extend to prescriptions of practicing physicians. [R. O. 1876.]

False Representations to Obtain Liquor.] § 23. Any person who shall knowingly, by false statements or misrepresentations that the same is for purposes purely medicinal, mechanical, sacramental or chemical, obtain or cause to be sold or delivered to him or to any other person whatever any such liquors in a quantity less than one gallon, shall, on conviction thereof, be fined in a sum not less than twenty dollars, and not exceeding one hundred dollars for each

offense. [R. O. 1876.]

MAYOR TO REPORT APPLICATIONS FOR PERMITS TO MAYOR.] § 24. When application is made for a permit as aforesaid, it shall be the duty of the mayor to receive and present the same at the next meeting of the city council, and if the application be granted, to endorse the grant thereon, and upon the filing of the application endorsed as aforesaid with the city clerk, a permit shall be given to retail such liquors in less quantities than one gallon for medicinal, mechanical, sacramental and chemical purposes only. The permit shall be signed by the mayor and bear the corporate seal of the city of Danville, and be countersigned by the clerk. [R. O. 1876.]

DRUGGISTS TO GIVE BOND.] § 25. All druggists obtaining permits under this ordinance, shall also give a bond in the penal sum of three thousand dollars, payable to the People of the State of Illinois, with at least two good and sufficient sureties, to be conditioned as required by section 3 of this chapter.

SHIFTS OR DEVICES FORBIDDEN.] § 26. The giving away of intoxicating, malt, vinous, mixed or fermented liquors, or other device or shift to evade the provisions or requirements hereof, are hereby declared to be within the meaning and intent, and shall be deemed violations hereof. [R. O. 1876.]

# CHAPTER XVII.

### MISDEMEANORS.

### SECTION.

### SECTION.

I.	Unlawful assemblies.	37.	Firing cannon, guns, etc.
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3.	Disorderly conduct.	39,	Dangerous sports, kite flying, etc.
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II.	Having obscene books, etc., in pos-	44.	telephone poles.
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31.	Scaring horses, etc.	64.	Disorderly conduct on street cars.
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34.	Sale of poison.	66.	Bill boards, etc.—when a nuisance.
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Unlawful Assembly.] § 1. Any two or more persons who shall assemble for the purpose of disturbing the peace, or of committing any unlawful act, and who shall not disperse when commanded or requested by any peace officer, shall each and severally be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars. [R. O. 1876.]

36. Orange peel, bannanas, etc.

68. Accessories.

Assaults—Fighting—Affrays.] § 2. Whoever shall assault, strike or fight another, or attempt or offer to do so, or shall threaten or traduce another; or shall challenge another to fight, or shall agree to fight another; or shall by agreement actually fight another, or shall be guilty of an affray, within the limits of said city, shall be fined not less than three dollars, nor more than two hundred dollars.

DISORDERLY CONDUCT.] § 3. Whoever shall disturb the peace, or shall be guilty of any violent, tumultuous, offensive or disorderly conduct, or shall use obscene, offensive, profane, or unseemly language to the annoyance, disturbance or vexation of another, or shall be guilty of any conduct calculated to provoke a breach of the peace, shall be fined not less than three dollars, nor more than one hundred dollars.

PERMITTING UNLAWFUL ASSEMBLAGE.] § 4. Whoever shall knowingly suffer or permit any assemblage for the purpose of disturbing the peace, or of committing any unlawful act, or shall permit any breach of the peace, or any riotous, tumultuous, offensive or disorderly conduct, or any loud or unusual noise or disturbance, or obscene, offensive, profane or unseemly language to the annoyance, disturbance or vexation of others, in or upon any premises owned or occupied by him, under his control, shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars. [R. O. 1876.]

DISTURBING PEACE OF CITY OR FAMILY.] § 5. Whoever shall disturb the peace and quiet of the city, or any neighborhood, family or person, by loud and unusual noise, shouting, blowing horns, yelling, singing, whistling, or by tumultuous and offensive carriage, or other boisterous and unseemly conduct, shall be fined not less than three dollars, nor more than one hundred dollars.

DISTURBING CONGREGATIONS.] § 6. Whoever shall disturb any congregation or assembly met for religious worship, or for any other lawful purpose, shall be fined not less than five dollars, nor more than one hundred dollars.

FALSE ALARM OF FIRE—CRY FOR ASSISTANCE.] § 7. Whoever shall knowingly make or give a false alarm of fire, or any false cry for assistance, shall be fined not less than three dollars, nor more than one hundred dollars.

Drunkenness.] § 8. Whoever shall be drunk, or shall be in a state of intoxication, in any public place; or in any private house or place to the annoyance of any person, shall be fined not less than two dollars, nor more than fifty dollars.

INDECENT EXPOSURE.] § 9. Whoever shall purposely or publicly make any indecent exposure of his or her person, or shall appear in a dress not belonging to his or her sex, or in an indecent or lewd

dress, or in a state of nudity, or shall be guilty of any other indecent or lewd act or behavior, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars. [R. O. 1876.]

Sale of Obscene Books, etc.] § 10. Whoever shall bring within the limits of said city for the purpose of sale or exhibition, or shall sell or offer to sell, or shall give away or offer to give away, or shall in any manner exhibit, or shall make, draw, print or publish, any obscene, indecent, or scandalous book, pamphlet, newspaper, journal, print, publication, paper or writing of any kind, or any obscene, indecent or lewd picture, drawing, engraving, card, photograph, model, cast or instrument, or any article of indecent or immoral use, shall, on conviction, be fined not less than twenty-five dollars, nor more than two hundred dollars for each offense.

HAVING OBSCENE BOOKS, ETC., IN POSSESSION.] § II. Whosoever shall keep or have in his possession, within said city, any of the obscene or indecent articles or things mentioned in the last preceding section, with or without intent to sell or dispose of the same, shall, on conviction, be fined not less than five dollars, nor more than fifty dollars.

Obscene Writing or Figure.] § 12. Whoever shall in any place open to public view, write, mark, draw, cut or make any obscene or indecent word, sentence, design, or figure, shall be fined not less than five dollars, nor more than one hundred dollars.

[R. O. 1876.]

INDECENT EXHIBITION OF ANIMALS.] § 13. Whoever shall indecently exhibit any stud horse, bull, jack, or other animal in any public place, or shall let any such animal, except in some inclosed place out of public view, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars. [R. O. 1876.]

Gambling.] § 14. Whoever shall in any manner gamble, or play for money, or other valuable thing, or for any check or any thing representing, or intended to represent money, or other valuable thing, at any game with cards, dice, checks, billiards, or with any other article, instrument or thing whatsoever, which may be used for the purpose of playing or betting upon, or winning or losing money, or other thing of value; or whoever shall bet on any such game when played by others, shall, for either offense, be fined not less than ten dollars, nor more than two hundred dollars.

INMATES OF GAMBLING HOUSES, ETC.] § 14a. Whoever shall be an inmate of any room, house, or place where gaming of any kind is going on, or is allowed, or whoever shall frequent the same, or shall be found therein, shall for either offense be fined not less than five dollars, nor more than one hundred dollars.

Gaming House.] § 15. Whoever shall keep or maintain any

gaming house, or room, or any place where gaming or betting of any kind is done or going on, or whoever shall procure or permit any persons to come together in any house, room or place occupied or owned by him, or under his control, for the purpose of playing at any game for money, or other valuable thing, or anything representing or intended to represent money or other thing of value, or shall permit such persons to play at any such game as aforesaid, when they have come together, in any such house, room or place as aforesaid, or whoever shall keep or permit to be used, in any building, room, yard or place, occupied, controlled or owned by him, or have in his possession, any keno or faro table, faro bank, roulette, or other gaming implement, instrument, device, or thing, commonly used for the purpose of gaming, shall in either case, be fined not less than twenty-five dollars, nor more than two hundred dollars,

LEASING PREMISES FOR GAMING.] § 16. Whoever shall knowingly rent or lease to another, any building, room, or premises, to be used or occupied, in whole or in part, as a gaming house, or place for persons to come together to play for money or other valuable thing, at any game, or to bet upon any game of chance, or shall knowingly permit the same to be so used or occupied, shall be fined not less than ten dollars, nor more than two hundred dollars.

Duty of Police Force—Refusal of Admittance of POLICE—PENALTY.] § 17. It shall be the duty of all members of the police force to report to the mayor each house, room or place, within the city, wherein gaming of any kind is carried on, or wherein any games, devices, tables, or other instruments or things for the purpose of gaming, are or may be set up or maintained; and said police officers shall use and take all lawful means to suppress and prevent gaming, or the playing at the tables, games or devices arforesaid, and for this purpose, when and as often as any one of them shall have reasonable cause to suspect that any such table, game or device is set up, kept or maintained as aforesaid, or that any gaming of any kind is being carried on or done in any house, room, or place, contrary to the ordinances of the city he shall make a complaint thereof before some police magistrate or justice of the peace, and obtain a warrant authorizing him to enter such building, room or place; and said police officer shall thereupon have authority to demand entry therein, and any person or persons who shall refuse or neglect to open the door or entrance to such house, room, or place, upon the application of any police officer having such warrant, shall forfeit and pay a fine of not less than twenty dollars nor more than two hundred dollars for each offense.

POLICE TO DESTROY GAMING IMPLEMENTS.] § 18. It is hereby made the duty of every member of the police force to seize any table, instrument or device or thing used for the purpose of gaming; and all such tables, instruments, devices or things shall be destroyed:

Any person resisting or obstructing any member of the police force in the performance of any act authorized by this section shall be fined not less than twenty-five dollars, nor more than fifty dollars for each offense.

Lotteries Prohibited.] § 19. Whoever shall maintain, or run, or be in any way connected with any lottery, or any other enterprise or business, by whatever name the same may be known, wherein any property is sold or disposed of by chance, or whoever shall sell or dispose of any lottery ticket or share, or any chance, or any article or thing entitling or purporting to entitle the purchaser thereof to any chance, or whoever shall sell or dispose of any package or article purporting to contain a prize, or where as an inducement it is held out that such article or package may contain a prize, or may entitle the purchaser to some article or thing of value not directly contemplated and known in the purchase, shall be fined not less than ten dollars nor more than two hundred dollars for each offense.

Houses of Ill-fame.] § 20. Whoever shall keep or maintain any bawdy-house, house of ill-fame, or of assignation, or any room or place for the practice of fornication, within said city or within three miles from the outer boundaries thereof, or shall knowingly suffer or permit any premises owned or occupied by him or under his control within said city, or within the limits aforesaid, to be used for that purpose, shall be fined not less than ten dollars, nor more than one hundred dollars.

INMATES OF HOUSES OF ILL-FAME, ETC.] § 21. Whoever shall be an inmate of any bawdy-house, house of ill-fame, or any room or place for the purpose of fornication, situated within said city, or within three miles of the outer boundaries thereof, or shall in any way contribute to the support thereof, or be connected therewith, or whoever shall be found therein, shall for each offense be fined not less than five dollars, nor more than one hundred dollars.

CONCEALED WEAPONS.] § 22. Whoever shall carry concealed upon or about his person any pistol, revolver, derringer, bowie-knife, dirk, slung-shot, metallic knuckles, or a razor, as a weapon, or any other deadly weapon of like character, capable of being concealed upon the person, or whoever shall in a threatening or boisterous manner, flourish or display the same, shall be fined not less than one dollar, nor more than one hundred dollars; and in addition to the said penalty shall, upon the order of the magistrate before whom such conviction is had, forfeits the weapon so carried to the city.

DISORDERLY HOUSE.] § 23. Whoever shall keep a common, ill-governed and disorderly house, to the encouragement of idleness, gaming, drinking, fornication, or other misbehavior, shall be fined not exceeding two hundred dollars. [Rev. Stat. 1881, p. 376, § 57.

DISTURBING FUNERAL.] § 24. Whoever shall wilfully interrupt or disturb any funeral assembly or funeral procession, shall be fined not less than three dollars, nor more than two hundred dollars.

PLACES OF AMUSEMENT OPEN ON SUNDAY.] § 25. Whoever shall, on Sunday, keep open any billiard room, ball or pin alley, house, beer garden ground or other place of amusement, or shall suffer or permit persons to assemble therein for the purpose of amusement or play, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars. [R. O. 1876.]

AMUSEMENTS ON SUNDAY.] § 26. Whoever shall on Sunday, play ball, or disturb the peace or good order of society by any play or amusement, shall be subject to a penalty of not less than five dollars and not exceeding one hundred dollars.

PLACE OF BUSINESS OPEN ON SUNDAY.] § 27. Whoever shall on Sunday (except in cases of necessity or for charitable purposes, or where the party shall conscientiously and on religious principle observe some other day of the week as the Sabbath,) keep open his place of business, or pursue his daily business or avocation, or shall require or permit any hand, servant, or employee to labor or work at such business or avocation, shall be fined not less than five dollars, and not exceeding one hundred dollars. *Provided*, this section shall not apply to hotels, barber shops, bath houses, livery stables, or the operation of street or other railways.

CRUELTY TO ANIMALS.] § 28. Whoever shall in any manner or by any means be guilty of cruelty to any dumb animal, or shall be guilty of turning out and abandoning any old, decrepit, or worthless animal upon the public streets or commons, shall be fined not less than five dollars, nor more than one hundred dollars.

FAST DRIVING—DRUKEN DRIVERS.] § 29. Whoever shall run, race, or immoderately ride or drive any horse, mule, or other animal, or any team in any street or alley of said city, or whoever shall ride or drive the same, when intoxicated, or whoever shall wilfully or heedlessly drive any such animal, so that such animal or any vehicle attached thereto shall come into collision with any other animal or vehicle, or shall strike any person, shall be fined not less than three dollars, nor more than one hundred dollars.

LEAVING ANIMALS UNFASTENED.] § 30. Whoever shall leave any horse, mule or other animal, attached to any vehicle or conveyance, in any uninclosed place without being securely fastened or guarded, so as to prevent its running away, shall be fined not less than three dollars, nor more than one hundred dollars.

SCARING HORSES.] § 31. Whoever shall by riding any bicycle in the streets or on the sidewalks of said city, or shall by any other means

wilfully or negligently frighten any horse, mule, or other animal, being at the time ridden by any person or attached to any vehicle, shall be fined not less than three dollars, nor more than fifty dollars.

Vehicles to Pass to the Right.] § 32. Any person driving any vehicle upon any street, bridge, or thoroughfare of said city shall, upon meeting any other vehicle, turn off and drive to the right, so as to pass the same without injury. Any person who shall injure the person or property of another, by violating this section, shall be fined not less than three dollars, nor more than fifty dollars.

WEIGHING OF GUNPOWDER—KEROSENE.] § 33. Whoever shall by gas-light, lamp-light, or any artificial light, weigh any gunpowder, or gun-cotton, or draw any kerosene oil or burning fluid from any cask or barrel, shall be fined not less than one dollar nor more than fifty dollars.

Poison—Sale of.] § 34. Whoever shall keep, sell or deliver any poison usually known or used as deadly poison, without legibly marking the name thereof or the word "poison" upon the vial, wrapper or other inclosure containing the same; or whoever shall sell or deliver any arsenic, strychnine, prussic acid or other poison usually known or used as a deadly poison, to any person known to him, without registering the name of such person, and the kind and quality of the poison sold or delivered, and the purpose for which the same was obtained; or whoever shall sell or deliver any such poison to any person to him unknown, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars in each case. But the sale or delivery of any such poison as a medicine upon the prescription of a practicing physician, shall not be deemed a violation of this section.

BURGLAR TOOLS.] § 35. Whoever shall have in his possession any nippers of the description known as burglar's nippers or any pick lock, skeleton key, key to be used with a bit or bits, jimmey, or other burglar's tool or instrument of whatever kind or description, unless it be shown that such possession is innocent or for a lawful purpose, shall be fined not less than twenty-five dollars, nor more than two hundred dollars.

ORANGE PEEL, BANNANA, ETC.] § 36. Whoever shall throw, cast, lay or place on any sidewalk in said city, the rind or peel of any orange, bannana, apple or other fruit, shall be fined not less than one dollar, nor more than ten dollars.

FIRING CANNON, GUNS, FIRE CRACKERS, ETC.] § 37. Whoever shall fire or discharge any cannon, gun, pistol, revolver, or any firearm of any description, or shall fire, explode or set off any squib, fire cracker, torpedo, or other thing containing powder, or other explosive material, without permission from the mayor, so to do, shall be fined not less than one dollar, nor more than twenty dollars. Such

permission, when given, shall definitely limit the time of such firing, and may at any time be revoked.

Boys Making Disturbance, etc.] § 38. Any two or more boys who may be assembled together and disturbing any lawful assembly of persons, or making any unusual noise or disturbance, to the disquiet or annoyance of the neighborhood; or who may be found loitering or strolling about, in the night time, and who shall not disperse and go to their several homes when required by the mayor or any police officer, shall each, severally, be subject to a penalty not exceeding five dollars in each case. [R. O. 1876.]

Dangerous Sports, Kite Flying, etc.] § 39. No boy or other person shall, in the inhabited part of the city, use or drive any hoop, or play with any ball, or use any bow and arrow, or raise and fly any kite or smoke or fire balloon, or fire, explode or set off any fire arms, fire balls, fire crackers, torpedoes, rockets, or other fire works, or shall otherwise pursue any amusement or exercise calculated to impede travel or frighten animals, or injure or annoy persons passing along the streets or sidewalks, under a penalty not exceeding five dollars in each case. [R. O. 1876.]

Throwing Stones,—Slings, etc.—Duty of Officers.] § 40. Any boy, or other person, who shall cast or throw any stone, brick, club, snow ball, or other missile at any person, or from or into any public place, or at, against, into or upon any tree, building, premises, or other property, or shall use, play with or have in his possession a sling of any character, or any other instrument or device whatsoever, for the casting or throwing of stone, bullet, or other thing, shall be fined not exceeding twenty dollars. And it is hereby made the duty of any police officer of this city, to take possession of, and destroy any such sling, instrument or device found in the possession of any such boy or person as aforesaid.

CLIMBING ON BRIDGES, FENCES, TREES, ETC.] § 41. Any boy, or other person who shall walk upon the top of any bridge or the railing thereof, or on the top or capping of any fence or railing, or shall climb upon the same, or into any shade, fruit, or ornamental tree, upon any sidewalk or in any lot or premises, without the consent of the owner thereof, or shall meddle with any public well, cistern, or pump, shall in either case, be subject to a penalty of not exceeding ten dollars.

INJURY TO PAVEMENT, ETC., OBSTRUCTING PUBLIC IMPROVE-MENT.] § 42. Whoever shall tear up or injure any pavement, sidewalk, cross walk, drain or sewer, or shall hinder or obstruct the making or repairing of the same, or of any other public work or improvement being done under city authority, shall be fined not less than ten dollars, nor more than one hundred dollars for each offense. INJURY TO BRIDGES, BUILDINGS, ETC.—MALICIOUS MISCHIEF.] § 43. Whoever shall wilfully, maliciously, or negligently destroy, injure, mark, cut, or write upon or otherwise deface or injure, any bridge or its appurtenances, or any public or private building, fence, railing, or any public property of the state, county or city, or any private property, or be guilty of any kind of malicious mischief, shall be fined not less than five dollars, nor more than one hundred dollars.

INJURY TO STREET LAMPS, TELEGRAPH AND TELEPHONE POSTS, ETC.] § 44. Whoever shall willfully, maliciously or negligently break, deface, destroy, or in any manner injure any street lamp or lamp post, telephone or telegraph post, telephone or telegraph wires, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars.

LIGHTING OR EXTINGUISHING STREET LAMPS.] § 45. Whoever shall without due authority, light or extinguish any street lamp, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars. [R. O. 1876.]

CLIMBING UPON LAMP POSTS—HITCHING THERETO, ETC.] § 46. Whoever shall climb upon any street lamp post, or fasten any horse or other animal thereto, or shall hang or place any goods, boxes, wood or other substance upon or against the same, shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars. [R. O. 1876.]

HITCHING HORSES TO TREES, FENCES, ETC.] § 47. Whoever shall hitch or fasten any horse, or other animal to any ornamental or shade tree, or to any fence or railing, or to any building or structure upon any street, alley, or sidewalk, shall be fined not less than three dollars, nor more than fifty dollars.

Tresspassing and Carrying away Fruit, etc.] § 48. Whoever shall trespass upon any private premises, or public grounds, and injure, destroy or carry away any flower, fruit, vegetable, plant, shrub, tree, or other thing, which may be there for ornament or otherwise, shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars.

TRESPASS UPON PRIVATE PREMISES.] § 49. Whoever shall be found trespassing upon the premises of another within said city, shall be fined not exceeding fifty dollars.

POSTING BILLS, ETC.] § 50. Whoever shall, without the consent of the owner or occupant of the premises, post or place any handbill, show bill, placard or notice, or paint any sign or advertisement, upon any tree, fence, wall, barn, out-house, or building of any

kind, shall be fined not less than three dollars, nor more than one hundred dollars.

INJURING GAS SERVICE BOXES OR WATER PIPES.] § 51. Whoever shall willfully remove, injure, destroy or carry away any cap or lid, placed upon service boxes of the gas light company, or service pipes of water works company, upon the sidewalks of the city, shall be subject to a penalty of not less than ten dollars, and not exceeding one hundred dollars.

BALL PLAYING UPON STREETS, ETC.] § 52. Whoever shall play at ball, cricket or any other game wherein a ball is used, upon any street, alley, or upon any public ground or place, or upon any private premises without the consent of the owner, or occupant thereof, shall be fined in any sum not exceeding ten dollars.

SIGNS INDICATING SALE OF LIQUORS, PROHIBITED WHEN.] \$ 53. No person or persons within the limits of said city, not having a legal license to retail intoxicating liquors, shall exhibit or permit any sign, letters or carricature on the outside of his building or place, nor shall keep or permit to be kept any bar with bottles, barrels, kegs or other vessels whatever whether containing such liquors or not within his building or place, occupied by him or her, indicating or which shall be intended to indicate, that any vinous, spirituous, mixed, malt or other intoxicating liquors whatever, are kept and sold at such places in less quantity than one gallon, under a penalty of not less than three dollars, and not exceeding one hundred dollars for each day the same shall remain in such place. [R. O. 1876.]

Drinking a Public Nuisance.] § 54. If two or more persons shall assemble together, or who, being together, shall in any public place or in any place open to public view within the corporate limits of the city of Danville, drink any vinous, spirituous, fermented, mixed, malt or other intoxicating liquors of any kind whatsoever, they shall be deemed guilty of creating a nuisance, and shall each be subject to a penalty of not less than five, and not exceeding one hundred dollars for each offense. [R. O. 1876.]

Vehicles Standing on Streets.] § 55. Whoever shall leave any sled, wagon, cart, dray, buggy or other vehicle, standing in or upon any street or alley of said city, when the same is not in use, shall for each offense be fined not exceeding ten dollars.

MEDDLING WITH FIRE HYDRANT.] § 56. Whoever shall, unless authorized by the water works company, the chief of fire department, or the mayor of the city, take water from any public fire plug or hydrant, or shall remove the cover from the same, or place any earth or other material in any such fire plug, or hydrant, or in the box or appendage thereto, or shall in any other manner interfere with, or injure the same, shall be fined not less than three dollars nor more

than one hundred dollars. This section not to apply to the legitimate use of such fire plugs or hydrants by any fire company of said city.

VAGRANTS.] § 57. Any person able to work and support himself by some honest and respectable calling, not having visible means of support, who shall live idly without lawful employment, or shall loiter or stroll about begging, or shall stroll, loiter about the streets or railroad depots, or railroad grounds, or sleep in railroad cars, or be found therein, or frequent gaming houses, disorderly or bawdy houses, groceries, tippling houses, or other places where intoxicating liquors are sold, or shall otherwise lead an idle or profligate course of life; or any person who shall keep any gaming house, or keep or exhibit any gaming implements for the purpose of gaming therewith, or shall pursue gaming, or who shall keep, mantain or be an inmate of any house of prostitution, or who shall have in his possession any implement used for counterfeiting, or for the commission of burglary, or for picking locks or pockets, or any implement or device used by cheats and swindlers, without being able to give a good account of his possession of the same, or who shall trespass upon private property or who shall sleep in sheds, stables, out-houses, or in the open air, without being able to give a good account of himself or herself, shall be deemed a vagrant, and shall be subject to a penalty of not less than ten dollars, and not exceeding one hundred dollars.

FAST DRIVING OVER BRIDGES.] § 58.] Whoever shall ride or drive faster than a walk over any bridge in the said city shall, for each offense, be fined in a sum not less than one dollar, and not exceeding ten dollars.

IDLING ABOUT DEPOTS, INTERFERING WITH PROPERTY, ETC.] § 59. Any person who shall idle, loaf or loiter in or around the depot of any railway, or upon the platforms or grounds adjoining thereto and used in connection therewith; or shall in any manner impede, obstruct or disturb any officer or employee of such railway while engaged in performing his lawful business connected therewith; or shall in any manner molest, disturb, meddle with, or take or carry away any property of such company, or any property in course of transportation thereon, without permission from the proper agents or servants of the company operating said railway; or shall in any manner interfere with or disturb any passenger or traveler in or about such depot, platform or grounds, or other person having lawful business to transact there, shall in either case be guilty of a misdemeanor, and be fined not less than three dollars, nor more than one hundred dollars.

MINORS TO KEEP OFF CARS, ETC.] § 60. Any minor, or other person, who shall climb, jump, step, stand upon, cling to, or in any way attach himself to any locomotive, engine or car, either stationary or in motion, upon any part of the track of any railroad,

unless in so doing, he shall be acting in compliance with law, or by permission, under the lawful rules and regulations of the corporation then owning or managing such railroad, shall be fined in any sum not exceeding twenty dollars. This section to be applicable to steam railways.

THROWING STONES, ETC., AT STREET CARS.] § 61. Whoever shall throw at or against any street car, or at or against any animal hitched to the same, or at or against any person riding or being on the same, any stone or other missile, shall be fined not less than three dollars, nor more than one hundred dollars for each offense.

MINORS CLIMBING ON STREET CARS, ETC.] § 62. Any minor or other person who shall climb, jump, stand upon, cling to or in any way attach himself to any street car, either standing or moving upon any part of the track of any street railway in said city, unless in doing so, he shall be acting in compliance with law or by permission under the lawful rules and regulations of the corporation owning or operating said railway, shall be fined in any sum not exceeding twenty dollars.

ENTERING STREET CARS—REFUSING FARE, ETC.] § 63. Whoever shall enter any street car and shall refuse to pay the lawful fare demanded of him by the driver or conductor thereof, and shall fail or refuse to leave said car when requested so to do by the driver or conductor, shall be fined not less than three, nor more than one hundred dollars.

DISORDERLY CONDUCT ON STREET CARS.] § 64. Whoever shall conduct himself or herself in a noisy or tumultuous manner upon any street car, or who shall be guilty of any conduct upon any such car as shall be calculated to disturb or annoy any person riding or being upon the same, shall be fined not less than three nor more than one hundred dollars for each offense.

Obstuctions to Operation of Street Car.] § 65. Whoever shall place or leave upon any track or rail of any street railway in said city, any stone or other obstruction, or shall in any manner injure any such track or rail, or shall unnecessarily impede or obstruct the running of any street car on said track or rail, or shall injure or deface any street car or any portion thereof, shall be fined not less than three and not more than one hundred dollars for each offense. And a refusal or failure by any person driving or riding upon or along any such track or rail to leave the same so as to allow such street car to pass, when warned to do so by the ringing of the bell upon such street car, shall be deemed an obstruction of such rail or track within the meaning of this ordinance.

BILL-BOARDS—WHEN NUISANCE.] § 66. Whoever shall erect, keep or maintain any bill-board or board for advertising upon in any

public ground or place, or upon any private premises adjacent to any sidewalk, street or footway, the same being so erected as to occasion danger or inconvenience to the public, shall be deemed guilty of a nuisance and be fined not less than five dollars nor more than twenty dollars.

ATTEMPT TO COMMIT OFFENSE.] § 67. Whoever attempts to commit any offense prohibited by ordinance, and does any act towards it but fails, or is intercepted, or prevented in its execution, where no express provision is made by ordinance for the punishment of such attempt, shall, on conviction of such attempt be subject to the same penalty as by ordinance prescribed for the actual commission of the offense. [Rev. Stat. 1881, p. 409, § 273.]

Accessories, etc.] § 68. Whoever aids, abets, assists, advises, or encourages the commission of any act prohibited by ordinance, or by any indirect means procures any such offense to be committed, or whoever committs an offense through the intervention of an agent, servant, employee, or person under his control, shall be deemed guilty to the same extent, and may be proceeded against in the same manner as though such offense had been committed by him directly, and with his own hand; and any such agent, servant or other person, doing any prohibited act for, and on behalf of another, shall be deemed guilty of such act equally with his employer or principal, and be subject to the same penalty, except in such cases where a different or other penalty is provided by ordinance for such agent or employee.

# CHAPTER XVIII.

## NUISANCE.

#### SECTION.

- Pens and stables.
- Accumulation of manure.
- 3. Suffering premises to become foul.
- Foul liquids, etc.
- Depositing offensive matter in river,
- Green and salted hides—a nuisance,
- Dead animals.
- Removal of dead animals.
- 9. Trap doors, gratings, etc.
- 10. Removal of offensive matter. 11. Carts and vehicles carrying offensive
- matter. 12. Slaughter houses—other offensive
- establishments. 13. Operating slaughter houses, etc. in

#### SECTION.

- Permits for slaughter houses, etc.
- Time for which permits shall issue. 15.
- 16. Stagnant water.
- Dilapidated buildings. 17. Ordinance of abatement. 18.
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- Building in danger falling. 22.
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- 24. Dangerous scaffolds.
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- 26. Author of nuisance unknown, etc.

offensive manner. Pens and Stables. § 1. Any pen, stable, lot, place or premises, in which any animal or poultry may be kept or confined, and which shall become nauseous, foul or offensive, or from any cause become an annoyance to any neighbrhood, family or person, shall be deemed a nuisance. And the owner or keeper of any such animals or poultry, or the owner or occupant of such premises, who, upon being notified by any police or other officer of said city to abate, remedy or remove such nuisance, within a time to be specified in said notice, shall neglect of refuse so to do, within the time specified, shall be fined not less than three dollars nor more than one hundred dollars, and he shall be subject to a like penalty for each day he shall suffer or permit such nuisance to remain after the expiration of the time fixed by said notice for the abatement of the same.

shall suffer to accumulate on any premises owned or controlled by him, any heap or stack of manure, in such manner as to emit noxious, disagreeable or offensive smells to the annoyance of any person or family, or whoever shall place any such manure upon any public street, alley or common, shall be deemed guilty of a nuisance. And if such person, upon being notified by any police or other officer of said city to abate, remedy or remove such nuisance, within a time to be specified in such notice, shall neglect or refuse so to do, shall be fined not less than three dollars, nor more than fifty dollars,; and he shall be subject to a like penalty for each day he shall suffer or permit such nuisance to remain after the expiration of the time fixed by the said notice for the abatement of the same.

Suffering Premises to Become Foul.] § 3. Whoever shall suffer or permit any cellar, vault, drain, pool, privy, sewer, yard, grounds or premises owned, occupied or controlled by him, to become from any cause nauseous, foul or offensive, or injurious to public health, or unpleasant and disagreeable to adjacent residents, or to any person passing along any street or alley near the same, shall be deemed guilty of a nuisance. And if such person, upon being notified by any police or other officer, to abate, remedy or remove such nuisance, within a time to be specified in said notice, shall neglect or refuse so to do, he shall be fined not less than three dollars, nor more than one hundred dollars; and he shall be subject to a like penalty for each day he shall suffer or permit such nuisance to remain after the expiration of the time fixed by said notice for the abatement of the same.

FOUL LIQUIDS, ETC.] § 4. Whoever shall place, deposit, throw, leave, or permit to remain, or shall cause or permit to flow any liquid, slops, animal or vegetable matter, or substance of any kind, which is, or is likely to become rotten, foul, nauseous, putrid or offensive, in or upon any premises owned, controlled or occupied by him, or into or upon any adjacent premises, or upon the premises of any other person, or into any street, alley or common, shall be guilty of a nuisance, and shall be fined not less than three dollars nor more than one hundred dollars.

Depositing Offensive Matter in River, etc.] § 5. Whoever shall deposit, throw, discharge, or leave any nauseous, foul, offensive or putrid liquid, substance, or excrement, or any liquid or substance likely to become nauseous, foul, offensive or putrid, or cause the same to be done, upon the margin, banks, or into the waters, of the Vermilion river, or any of its forks or branches, or into Stony Creek, within the limits of said city, or upon any premises, or upon the banks or in the waters of any of said streams, within one-half mile of said city, shall be fined not less than three dollars, nor more than one hundred dollars.

Green and Salt Hides—When a Nuisance.] § 6. Whoever shall keep in store in any building, cellar or place within said city, any green or salted hides, pelts or skins, for such a length of time, or in such a manner that they shall become foul, nauseous or offensive by reason of their bad odor, shall be deemed guilty of a nuisance. And if such person, upon being notified by any police or other officer of said city, to abate, remove or remedy such nuisance, within a time to be specified in such notice, shall neglect or refuse to do so, he shall be subject to a penalty of not less than five dollars, nor more than one hundred dollars; and he shall be subject to a like penalty for each day after the expiration of the time specified in said notice, he shall permit such nuisance to remain.

DEAD ANIMALS.] § 7. Whoever shall knowingly suffer any dead animal belonging to him to remain within said city, or within one-half mile from the limits thereof, so as to be, or likely to become offensive in any manner to any person, shall be deemed guilty of a nuisance and shall be fined not less than three dollars, nor more than one hundred dollars.

REMOVAL OF DEAD ANIMALS.] § 8. Any person removing any dead animal, who shall purposely or unnecessarily cause the same to be offensive or annoying to any other person, shall be subject to a penalty of not less than three dollars, nor more than one hundred dollars.

Trap Doors, Grating, etc.] § 9. Whoever shall keep or leave open, or suffer to be left or kept open, any cellar door, or trap door, or the grating of any vault, in or upon any sidewalk, street, or alley, shall be deemed guilty of a nuisance, and shall be fined not less than three dollars, nor more than one hundred dollars.

REMOVAL OF OFFENSIVE MATTER.] § 10. All putrid or offensive matter, and all night soil, and the contents of sinks, privies, vaults, cess-pools, and all noxious substances in said city shall, before their removal or exposure, be disinfected and rendered inoffensive, by the person who removes, or is about to remove the same. Any person violating this section shall be fined not less than three dollars, nor more than one hundred dollars.

Carts and Vehicles Carrying Offensive Matter.] §
11. The bed, boxes, tubs, or other receptacle on any cart, wagon, or other vehicle, used for the purpose of removing any offal, swill, slops, garbage, or the contents of any privy, vault, or cess-pool, or any other putrid or offensive liquid or substance, shall be so constructed and maintained, so that no part of the contents thereof shall fall, leak or spill therefrom; and shall be tightly covered so as to prevent the same from being offensive. Any person violating this section or any part thereof, either as owner or employee, shall be fined not less than three dollars, nor more than one hundred dollars.

SLAUGHTER HOUSES—OTHER OFFENSIVE ESTABLISHMENTS.] § 12. Whoever shall locate, erect, carry on, occupy or use any slaughter house, for slaughtering animals, or any packing house, soap factory, tallow chandlery, bone factory, or any establishment for rendering lard, tallow, offal, dead animals or other substances of like nature, within the limits of said city, or within the distance of one mile without the city limits, without the permission of the city council, shall be deemed guilty of a nuisance, and shall be fined not less than five dollars, nor more than one hundred dollars.

OPERATING SLAUGHTER HOUSES, ETC. IN OFFENSIVE MAN-

NER. ] § 13. Whoever shall conduct, keep, maintain or operate any slaughter house, packing house, soap factory, tallow chandlery, bone factory, or any establishment for rendering lard, tallow, offal, dead animals, or other substances of a like nature, within the limits of said city, or within one mile of said limits, in such a manner that the said premises shall become foul, or offensive, or shall emit or give out bad, offensive, or unwholesome smells or odors to the annoyance or detriment of any community, family or person, shall be deemed guilty of a nuisance. And if such person, upon being notified by any police, or other officer of said city, to renovate or cleanse said premises, or to abate, remedy or remove such nuisance, within a time to be specified in said notice, shall neglect or refuse so to do, he shall be fined not less than five dollars, nor more than one hundred dollars; and he shall be subject to a like fine for each day he shall suffer or permit such nuisance to remain after the time fixed in said notice for the abatement of the same.

Permits for Slaughter Houses, etc.] § 14. Any person desiring to obtain a permit to locate or operate a slaughter house, or any of the establishments enumerated in section ten of this chapter, within limits of said city, or within one mile without said limits, shall make a written application therefor to the city council, stating the business he is desirous of pursuing, and specifying the location or premises where the same is to be conducted. Said city council may thereupon grant the said permit in its discretion, and if such permit is granted the applicant, before he can do business under the same, shall execute to the said city a bond in the penal sum of five hundred dollars, with one or more sureties to be approved by the mayor, conditioned that the said applicant will comply with all ordinances then or thereafter in force regulating such establishments, or such business, and that he will pay all fines or penalties or judgments recovered against him by said city before any court of competent jurisdiction, for the violation of any ordinance of said city relating to said business, and that he will also pay all costs, charges or expenses incurred by said city, or any of its officers, in cleansing or renovating the premises, or in abating or removing any nuisance thereon, where the said business shall be carried on.

TIME FOR WHICH PERMITS SHALL ISSUE.] § 15. Where any person to whom any such permit shall be granted, shall be convicted of a violation of any ordinance of the city regulating such establishments, before any court of competent jurisdiction, then the city council in its discretion may revoke such permit, and declare the same null and void.

STAGNANT WATER.] § 16. Any lot or premises upon which stagnant water may be standing, and which is, or is likely to become

foul and offensive to any person residing near the same, or to persons passing by the same, is hereby declared a nuisance; and the owner, occupant, or person having control of such lot or premises, who shall not abate, remedy or remove such nuisance, when notified so to do, by the marshal or other police officer of said city, within the time in such notice specified, shall be deemed guilty of a nuisance, and be fined not less than three dollars, nor more than one hundred dollars; and he shall be subject to a like penalty for each day he shall permit such nuisance to remain after the expiration of the time fixed in said notice for the abatement of the same.

DILAPIDATED BUILDINGS.] § 17. Any wooden building or wooden part of any building which may be situated within thirty feet of any contiguous building, and which may be in danger of becoming on fire or setting fire to any contiguous building, by reason of being dilapidated, out of repair or untenantable, or by reason of any fire-place, grate, stove-pipe, furnace or chimney, or any other structure or apparatus therein used or intended to be used for the purpose of holding, conducting or securing any fire, being insufficient or being improperly or unsufficiently secured, is hereby declared a nuisance. [R. O. 1876.]

ORDINANCE FOR ABATEMENT. \ \ 18. When any such building or part of a building shall be reported to the city council, the same shall be referred to the committee on fire and water, or other appropriate committee, who shall examine such building or part of a building, and report the condition thereof; and if the city council shall be satisfied that such building is within thirty feet of any contiguous building, or in danger of becoming on fire or setting fire to any contiguous building, by reason of any of the causes mentioned in the last preceding section, they may by the passage of an ordinance declare such building or part of a building to be a nuisance, stating the cause thereof, and require the owner or occupant of such building or part of a building, or other person liable therefor, to remove such building without the city limits, or to make good and properly secure any such fire-place, grate, stove, stove-pipe, funnel or chimney, or other structure or apparatus in such building or part of a building, used or intended to be used for the purpose of holding, conducting or securing any fire, or require him, her or them otherwise to abate such nuisance within such time as they may deem necessary. [R. O. 1876.]

Notice to Owner—Building to be Destroyed.] § 19. The mayor shall, without delay, after the passage of such ordinance as mentioned in the last preceding section, make out, sign and deliver to the marshal a notice containing a copy of such ordinance, directed to the owner of such building or part of a building, requiring him to remove the same, or to make good and properly secure such fire-place,

grate, stove, stove-pipe, funnel or chimney, or other structure or apparatus therein, used or intended to be used as aforesaid, in compliance therewith. The marshal shall, without delay, serve such notice upon the owner of such building or part of building, or his agent, and the person in actual occupancy thereof, if any, retaining a copy thereof; but if the owner is a non-resident of the city and has no known agent residing in this city, the mayor shall send the notice to him by mail, directed to him at the post office at which he usually receives his letters, if known, retaining a copy thereof. If no owner or his agent can be found in the city, and the owner's place of residence is unknown, or if the owner is unknown, the mayor shall cause the ordinance to be published at least twice in the newspaper publishing the ordinances of the city, which shall be deemed sufficient notice to all persons. If any such building or part of a building shall not be removed, or such fire-place, stove, grate, stove-pipe, funnel or chimney, or other structure or apparatus therein, used or intended to be used as aforesaid, shall not be made good and properly secured, in compliance with such notice at the expiration of the time named therein, the mayor shall order the city marshal to move or tear down such building or part of a building, or so much thereof as may be necessary, or in some other manner to remedy such danger and abate such nuisance. [R. O. 1876.]

REPORT OF COST OF ABATEMENT—SUIT AGAINST OWNER.] § 20. The marshal shall, without delay, execute the order of the mayor, and shall report the costs of so doing upon oath to the city council, and the same may be collected of the owner of the building or the occupant thereof, or any person liable therefor, by suit in the name of the city, before any court having jurisdiction. [R. O. 1876.]

Penalty for Not Obeying Notice.] § 21. Any owner of any such building, who shall, when notified so to do, neglect or refuse to remove the same, or any such owner or any occupant thereof who shall neglect or refuse to make good or perfectly secure any such fireplace, grate, stove, stove-pipe, funnel or chimney, or other structure or apparatus therein, used or intended to be used as aforesaid, or otherwise to abate such nuisance in compliance with such notice, shall be subject to a penalty of not less than twenty dollars, and not exceeding one hundred dollars. [R. O. 1876.]

BUILDING IN DANGER OF FALLING.] § 22. Any building or erection, or part thereof, which shall be in danger of falling, or otherwise in such condition as to endanger the safety of persons passing under or near the same, or residing adjacent thereto, or to endanger any property contiguous thereto, is hereby declared to be a nuisance. [R. O. 1876.]

DUTY OF MAYOR.] § 23. When knowledge of any such dangerous building or erection shall come to the mayor, he shall, without

delay, summon three disinterested citizens of the city, who shall with him inspect such building or erection, and if they, or a majority of them, shall be of the opinion that the same endangers the safety of persons passing under or near the same, or residing adjacent thereto, or any property contiguous thereto, the mayor shall, without delay, notify or cause to be notified the owner or person having charge of such building or erection forthwith to remove, demolish or otherwise secure the same, or such part thereof as may be necessary; and upon his failing or refusing to comply with such notice, the mayor shall, without delay, cause such building or erection, or such part thereof as may be necessary to be removed, demolished or otherwise secured, so as to be safe and harmless, and the owner of such building or erection, or person having charge of the same, who shall fail or refuse to comply with such notice, shall be subject to a penalty of not less than twenty dollars, and not exceeding one hundred dollars; and the costs of removing, demolishing or securing such building or erection, shall be reported to the city council by the mayor, and the same may be collected of the owner of such building or erection, or person having the same in charge, by suit in the name of the city, before any court having jurisdiction. [R. O. 1876.]

Dangerous Scaffolds, etc.] § 24. All scaffolds or other erections used in the erection of any building shall be made secure and sufficiently wide to insure the safety of persons working thereon or passing under the same, against the falling thereof, or of materials placed thereon. Any scaffold or other erection which may be otherwise constructed, shall be deemed a nuisance, and whoever shall construct or use any such insecure or dangerous scaffold or other erection, shall be subject to a penalty of not less than ten dollars, and not exceeding one hundred dollars, and upon his failure or refusal to remedy or remove the same forthwith, when required by the mayor, the supervisor or any police officer, the officer shall cause the same to be done, and the costs of such removal or remedy shall be collected of the owner, or builder, or person having control thereof, and recovered by suit in the name of the city, before any court having jurisdiction.

DUTY OF POLICE—NOTICE—COSTS OF ABATEMENT, ETC.] § 25. When any nuisance, or anything likely to become a nuisance, shall be found by the city marshal, policeman, member of board of health, or other officer of said city, or if such nuisance shall be reported to them or either of them, it shall then be the duty of the city marshal to serve, or cause to be served, a notice upon the owner, tenant or occupant of the premises where such nuisance exists, or the author of the same, thereby notifying him to abate, remedy or remove the same, within a certain time to be specified in said notice, which shall not be less than twelve hours, nor more than thirty days, owing to the nature or character of the nuisance com-

plained of. In case the person so notified, shall not comply with said notice, the marshal or any police officer of said city shall enter upon the premises where such nuisance exists and abate, remedy or renovate the same, and shall forthwith bring suit against such person in the name of the city for the penalty incurred by the violation of this chapter, or any section thereof; and the costs of the abatement or removal of such nuisance, may also be recovered with the penalty, or by a separate suit in the name of the city, before any court having jurisdiction.

Where Owner or Author of Nuisance is Unknown, or Cannot be Found.] § 26. When any nuisance, or anything likely to become a nuisance, is found upon any premises, and the owner, tenant or occupant of said premises, or the author or cause of said nuisance cannot be found, or is unknown, the city marshal, or any policeman of said city, shall forthwith enter upon said premises and abate, remedy or remove such nuisance. The city marshal shall report to the city council the cost and expense of the abatement of such nuisance, and a suit to recover the amount thereof shall be instituted in the name of the city against the owner or occupant of said premises or against the author of such nuisance in any court of competent jurisdiction where he shall be found.

# CHAPTER XIX.

#### PARKS.

#### SECTION.

#### SECTION.

- Committee on public grounds, etc. to have charge.
- 2. Entering Parks, etc.—Climbing on fences.
- 3. Turning animals into park, etc.
- Firearms—Shooting—fire works prohibited.
- 5. Injury to trees, grass, buildings.
- 6. Selling, hawking, peddling, etc. forbidden.
- 7. Bathing, fishing, etc. prohibited.

- LOITOIN.
  - Abusive, profane language, etc. prohibited.
- 9. Gaming, etc. prohibited.
- Intoxicated persons, indecent or unlawful acts.
- 11. Fires in parks forbidden.
- Carriages on turf, etc.— hitching horses to trees, etc.
  - throwing stones, rubbish, etc. in parks.
- 14. Posting bills, etc. forbidden.

COMMITTEE ON PUBLIC GROUNDS, ETC., TO HAVE CHARGE OF PARKS.] § 1. It shall be the duty of the committee on Public Grounds and Buildings to superintend all inclosed public grounds or parks in said city, and keep the fences thereof in repair, the walks in order, the trees properly trimmed, and to improve the same according to plans approved by the city council.

PENALTY FOR LEAVING PARK EXCEPT AT GATEWAYS—CLIMBING ON FENCE, ETC.] § 2. Whoever shall enter or leave any of the public parks of this city except by their gateways, or shall walk or climb upon any of the fences inclosing, or in the same, shall be fined not less than one dollar nor more than ten dollars for each offense.

TURNING ANIMALS INTO PARK PROHIBITED.] § 3. Whoever shall turn any cattle, horses, goats, swine or other animals into any park of said city, or permit the same, or any of them, to run therein, shall be fined not less than three dollars, nor more than fifty dollars, for each offense.

FIRE-ARMS AND FIRE-WORKS FORBIDDEN.] § 4. Whoever shall carry any fire-arms into said parks, or shall fire off or discharge the same in, or into said parks, or any of them; or whoever shall shoot, fire or discharge any kind of fire-works therein, shall be fined not less than one dollar nor more than one hundred dollars, for each offense.

INJURY TO TREES, GRASS, BUILDINGS, ETC.] § 5. Whoever shall cut, break or injure in any way any tree, shrub or plant, in any such park; or shall cut, tramp, or injure in any way the turf or grass therein, or shall walk or lie upon the grass at any place where placards are posted directing persons to keep off, or not to walk upon the same; or shall cut, mark, deface or in any way injure any of the buildings, fences, bridges, or other constructions, or property of any kind, in any such park, shall be fined not less than one dollar, nor more than one hundred dollars for each offense.

SELLING, HAWKING OR PEDDLING FORBIDDEN.] § 6. Whoever shall sell, or offer to sell, any article or thing, in any such park, or shall hawk or peddle any article or thing therein, or attempt so to do, shall be fined not less than three dollars, nor more than one hundred dollars.

Bathing—Fishing, etc., Prohibited.] § 7. Whoever shall bathe, fish in, or ride or drive any animal in the waters of any such park, or throw any rubbish or garbage or other thing into any stream or waters of such park, shall be fined not less than three dollars, nor more than ten dollars.

ABUSIVE LANGUAGE, ETC.] § 8. Whoever shall use any threatening, abusive, insulting, profane, or indecent language in any part of any such park, shall be fined not less than three dollars, nor more than one hundred dollars.

Gaming, etc., Prohibited.] § 9. Whoever shall gamble for money or other valuable thing, or anything representing or intended to represent money, or other thing of value, or shall play at any game of chance, or at or with any table, instrument or device of gaming, in any part of any such park, shall be fined not less than five dollars, nor more than two hundred dollars for each offense.

INTOXICATED PERSONS—INDECENT OR UNLAWFUL ACTS. § 10. Whoever shall be found in any such park in an intoxicated condition, or shall resort to such park for any indecent, or unlawful purpose; or shall be guilty of any indecent, obscene, vulgar, improper or unlawful act while there, shall be fined not less than five dollars, nor more than two hundred dollars.

FIRES IN PARK PROHIBITED.] § 11. Whoever, except employees, or laborers in such park, shall light or make any fire in said parks, shall be fined not less than three dollars, nor more than one hundred dollars.

DRIVING CARRIAGES, ETC., ON TURF—HITCHING HORSES TO TREES.] § 12. Whoever shall drive any carriage or vehicle of any kind, or any horse or other animal upon the grass, lawn or turf, of any such park, or shall hitch a horse to any of the shrubs or trees therein, shall be fined not less than one dollar, nor more than fifty dollars for each offense.

THROWING STONES, RUBBISH, ETC., IN PARKS.] § 13. Whoever shall throw any stones into, or in such parks, or shall throw or place any rubbish or garbage of any kind therein, or shall leave or place any bottle, cans, paper, or scraps of any kind therein, shall be fined not less one dollar, nor more than twenty-five dollars for each offense.

Posting Bills, etc., Forbidden.] § 14. Whoever shall post, or otherwise affix any bills, notice or other paper, upon any fence, tree, bridge, building or other structure therein, shall be fined not less than three dollars.

# CHAPTER XX.

#### OFFICERS.

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## SECTION.

- 1. Officers appointed. Duties of city engineer. 2. Oath of office. Records of city engineer. Official bonds. 16. Surveys, etc. Sureties—city attorney to prepare bond—new bond. To give grades-superintend sidewalks. Commissions, etc. Commissions, etc.
   Officers to pay money over. 18. To superintend street labor-re-Boundaries established. 19. 8. Records of city open to inspection. 20. Custody of tools, etc.
- 9. Officers absent. Engineer to have charge of streets. 21. 22. Engineer to enforce ordinances rel-10. Removal or absence from city. 11. Liability for damage. ative to streets, etc. Repair cross-walks, etc.

12. Duties of city attorney. 23. 13. Duties of city clerk.

Officers Appointed.] § 1. There shall be appointed annually, by the mayor, with the approval of the city council, the following city officers, viz: a city marshal, city engineer, chief of the fire department, lamp lighter, and such number of police and firemen as the city council may by resolution deem necessary and expedient.

OATH OF OFFICE.] § 2. All officers, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the state of Illinois, and that I will faithfully discharge the duties of the office of——according to the best of my ability. [R. O. 1876.]

Official Bonds. ] § 3. All officers, whether elected or appointed, except aldermen, shall, before entering upon the duties of their respective offices, execute a bond with security, to be approved by the city council, payable to the city of Danville, in such penal sum as may, by resolution or ordinance, be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer, according to law and the ordinances of said city: Provided, however, that in no case shall the mayor's bond be fixed at a less sum than three thousand dollars (\$3.000), nor shall the treasurer's bond be fixed at a less sum than the amount of the estimated tax and special assessments for the current year; which bonds shall be filed with the clerk (except the bond of the clerk, which shall be filed with the treasurer). [R. O. 1876.]

SURETIES—CITY ATTORNEY TO PREPARE BOND—NEW BOND.] § 4. No member of the city council or officer of the city shall be received as surety on the official bond of any city officer hereby created and provided for, and herein required to execute bond as city officer. All official bonds shall be drawn by the city attorney, or submitted to him after being drawn up, for his approval of the form thereof, and shall then be submitted to the city council for their approval, which, when given, the city clerk shall certify thereon, and shall file and preserve the same in his office, except the bond of the city clerk, which shall be filed with the treasurer. The city council may at any time require a new bond to be executed by any city officer, if from any cause they shall deem the old bond insufficient or the securities thereon; but the execution of such new bond shall not in any manner affect any liability, loss or damage incurred under the old bond, or release the sureties from any liabilities incurred thereon. bonds and contracts shall be written or printed, or partly both, in a plain and legible manner. [R. O. 1876.]

Commissions.] § 5. All officers (except the clerk, aldermen and mayor,) shall be commissioned by warrant, under the corporate seal, signed by the clerk and the mayor or presiding officer of the city council. The mayor shall issue a certificate of appointment or election, under the seal of the city, to the clerk thereof, and any person having been an officer of the city shall, within five days after notification and request, deliver to his successor in office all property, books and effects of every description in his possession belonging to the city, or appertaining to his said office; and upon his refusal to do so, shall be liable for all damages caused thereby, and shall be subject to a penalty of not less than twenty-five dollars, and not exceeding two hundred dollars. [R. O. 1876.]

Officers to Pay Money Over.] § 6. All officers collecting or receiving any moneys on account of the city, shall pay the same as fast as collected into the city treasury in the same kind of funds as received by them, and shall, on the first Thursday of each month, report to the city council an accurate statement of all the moneys received by them for the preceding month, specifying the amount, from whom, and on what account received. No officer shall retain any moneys received or collected by him towards the payment of any salary or fees which may be coming to him from the city, but shall pay the same into the treasury. Any officer violating any provision of this section, shall be subject to a penalty of not less than ten dollars, and not exceeding two hundred dollars. [R. O. 1876.]

SALARIES PAYABLE, WHEN.] § 7. The salaries of the city officers, unless otherwise specially provided, shall be payable monthly, on the first Thursday of each month, and they shall present their accounts to the city council for adjustment or payment, but no warrant

shall be drawn in favor of any officer for his salary until he shall have filed his report as herein required, nor shall any warrant in any case be drawn in favor of any officer who shall be in default or arrears with the city. [R. O. 1876.]

RECORDS OF CITY OPEN TO INSPECTION.] § 8. The records, books and papers pertaining to any city officer shall, at all reasonable times, be subject to the inspection and examination of the mayor, the city council or any of its committees, or any person interested in the same; and all city officers shall, when requested, give all the information in their power pertaining to their respective offices, to the city council or any of its committees, or any other department of the city government. [R. O. 1876.]

Officers Absent.] § 9. When any particular officer required by ordinance to execute any particular duty, shall be absent, or incompetent, or otherwise unable to discharge such duty, the mayor or mayor pro tem., may assign the discharge of such duty to some other officer, and such officer shall act in such case with the same power and authority as is specially named in the ordinance. [R. O. 1876.]

REMOVAL OR ABSENCE FROM CITY.] § 10. If any city officer shall remove from the city, or absent himself therefrom for one month without permission of the city council first had and obtained, his office shall be vacated. [R. O. 1876.]

LIABILITY OF OFFICERS FOR DAMAGE.] § 11. All officers shall be liable to the city for all loss or damage which may arise from their negligence or willful misconduct in the discharge of any official duty, and the city council may, in their discretion, by order, withhold the salary of any such officer, in order to secure the city from loss. And if any officer shall fail, neglect or refuse to discharge or perform any duty required of him, the mayor may employ or appoint some competent person to perform such duty, and the costs and expenses of doing the same shall be charged to such officer and deducted from his salary, or if his salary shall be insufficient to pay the same, they may be collected from him and recovered by suit in the name of the city, before any court having jurisdiction. [R. O. 1876.]

Duties of City Attorney.] § 12. It shall be the duty of the city attorney to prosecute all suits for the recovery of fines or penalties, before any court, for the violation of any of the laws or ordinances of said city, to institute or defend any suit which may be brought in any court by or against the city, or which may be brought by or against any of its officers on account of any of their official acts. To draft all ordinances, bonds, contracts, leases, conveyances, and other instruments of writing, as may be required by the business of the city. To furnish his written opinion upon any legal question submitted to him for such opinion by the city council, and to regularly attend all meetings of said council. And he shall also make any

reports concerning any suits to which the city may be a party, whenever directed to do so by the council.

DUTIES OF CITY CLERK.] § 13.] The city clerk shall keep the corporate seal of said city, and all papers belonging to the city. He shall attend all meetings of the city council, and keep a full record of its proceedings in its journal. He shall keep full and complete accounts and exhibits of all financial transactions of the city, to be entered upon such books as are provided for that purpose, including in such accounts all claims against the city, as the same may be allowed, and all orders for the payment of money granted and on what account. He shall preserve in his office all bills on which any money may be paid out by the city, which shall be neatly folded and endorsed with the name of the payee thereon. He shall issue all licenses, in accordance with the ordinances of the city, and shall keep a record in a suitable book of each license granted, to whom granted, for what purpose, for what length of time, the location of the place of business for which the license was obtained, and the amount of license fee paid. He shall perform such other and further duties pertaining to his office, as may be necessary, or as the city council may from time to time direct.

DUTIES OF CITY ENGINEER.] § 14. The city engineer shall, when required by the mayor, the city council, or any of its committees, make out plans, estimates and specifications for public work which may be ordered or proposed by the city council, and superintend the construction thereof. He shall, when required by the city council, make surveys of the grades or boundaries of streets or alleys, and prepare plats and profiles, and report the same to the city council; and no such survey of any grade or boundary shall be established and valid until the plats or profiles thereof shall be reported to and approved by the city council. He shall, when required, receive, inspect or measure any lumber or other materials to be used for any public work, and if necessary, shall keep an accurate account, in a suitable book, of the quantity and quality of the same, and from whom received, and the cost thereof, and also for what purpose used, and from whom delivered, and the cost thereof, and also for what purpose used, and to whom delivered. He shall examine all accounts for materials received by him on account of the city, and if correct, certify the same to the city council. [R. O. 1876.]

CITY ENGINEER'S RECORDS.] § 15. He shall preserve in his office all record and plans of survey, and all books, papers and writings pertaining to his office. He shall make out and keep a diagram or plat of all the grades and boundaries of streets and alleys established by the city council, correcting the same when any grade shall be changed, and adding thereto when any new grade or boundary shall be established, and he shall record, in a suitable book, the profiles

and notes of all surveys of grades and boundaries established, and shall preserve the original papers relating thereto, and shall otherwise keep a systematic record of all the transactions pertaining to his department. [R. O. 1876.]

Surveys, etc.] § 16. He shall make all surveys in the city that he may be called upon to make, and shall employ the necessary chainmen and other assistants, who shall, before entering upon their duties, be sworn before him or any person authorized to administer oaths, "to measure accurately and justly, and to perform their duties to the best of their knowledge and ability." He shall acquaint himself with the original surveys of the town and city, and shall, as far as practicable, provide himself with copies of the field notes of the original surveys, and shall make his surveys in accordance therewith; and he shall note all errors and discrepancies in the original survey or surveys, as soon as discovered. [R. O. 1876.]

ENGINEER TO GIVE GRADES AND SUPERINTEND BUILDING OF SIDEWALKS.] § 17. He shall give the grades of streets and alleys where the same have been established by the city council, to all persons desiring to construct sidewalks. He shall supervise the construction of all sidewalks built in the city, either by private persons, or by the city, and shall compel the construction thereof in conformity with the ordinances of the city.

SUPERINTENDENCE OF STREET LABOR—REPORTS OF ENGINEER.] § 18. He shall superintend, under the direction of the committee on streets and alleys, all labor performed on the streets and alleys. He shall make out all pay-rolls for street labor, and certify to the correctness of the same. He shall report monthly to the city council a general abstract of all the operations of his department; the amount of work performed, and the amount on hand unexecuted; the number of laborers and teams in the employ of the city; the amount of money expended in his department together with such other information as may be deemed of importance.

Boundaries Established—Certificates.] § 19. He shall, upon finding or establishing the boundary of any lot or tract surveyed, plant a substantial stake or stone at each corner thereof, and give to the owner or person employing him, if required, a certificate, stating the date, and, as far as practicable, the metes and bounds of the survey, and date of the survey, for whom made, and describing, as far as practicable, the metes and bounds thereof. [R. O. 1876.]

ENGINEER TO HAVE CUSTODY OF TOOLS, ETC.] § 20. He shall procure and have the control and custody of all the necessary tools and implements which are used in the construction and repair of the streets, alleys, lanes, highways, walks, cross walks, bridges, sewers, public grounds and street lamps aforesaid, and see that the same are

kept in proper condition for use and ready to be furnished to ward supervisors of streets when needed by them. [R. O. 1876.]

Engineer to have Charge of Streets, etc.] § 21. It shall be the duty of the city engineer to take charge of all streets, alleys, lanes, highways, walks and cross walks, bridges, sewers, public grounds and street lamps in, and belonging to said city, subject, however, to all ordinances that now are or may hereafter be in force. He shall attend to and superintend the improvement and repairs upon the same, and see that the same are kept in proper order and in good condition, and free from all unnecessary obstructions. [R. O. 1876.]

ENFORCEMENT OF ORDINANCES RELATIVE TO RAILROADS, STREETS, ETC.] § 22. The city engineer shall see that all ordinances of said city pertaining to railroads are not violated, and that all railroad crossings are kept free and clear at all times, under the ordinances now in force or such as may hereafter be in force, and when there is a violation of ordinances pertaining to railroads, streets and alleys, walks, cross walks, bridges, sewers, public grounds, lawns or highways, report the same to the proper officers and see that the ordinances are properly enforced. [R. O. 1876.]

REPAIR OF CROSS WALKS, SEWERS, ETC.] § 23. He shall annually, as early as the season will permit, direct the supervisors of the respective wards in said city to cause the streets, alleys, lanes, highways, walks and cross walks, sewers, gutters, bridges and public grounds aforesaid, to be put in proper condition and repair. [R. O. 1876.]

[For duties of Marshal and Police, see Police Department, and for duties of Chief of Fire Department, see Fire Department,]

# CHAPTER XXI.

## ORDINANCES.

## SECTION.

#### SECTION.

- I. Ordinances repealed in force till
- 2. Conflict of ordinances.
- 3. "Court" defined.
  4. Effect of repeal of repealing ordinance.
- 5. Construction of certain words.
- 6. Power of mayor pro tem- marshal and police.

7. Rules of construction.

- Fines, etc. not released by repeal of ordinance.
- Two offenses—election of prosecutor. 9.
- 10. Enrollment of ordinances,
- 11. Ordinances in force.

ORDINANCE REPEALED IN FORCE TILL WHEN. ] § 1. When any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the ordinance repealing or modifying the same takes effect, unless it shall be therein otherwise expressly provided.

CONFLICT OF ORDINANCES. | § 2. When the provisions of different ordinances or of the different chapters of any ordinance conflict with or contravene each other, the provisions and requirements of each ordinance or chapter shall prevail as to all subjects, matters and questions, arising out of or embraced within the subject matter thereof. But if different provisions be found in different sections of the same ordinance, the provisions of the section which is last in numerical order shall prevail, unless such construction would be repugnant to or inconsistent with the meaning of such ordinance or chapter. [R. O. 1876.]

"COURT" DEFINED.] § 3. The word "court" when used in any ordinance, shall be construed to mean any court of competent jurisdiction, whether police magistrates' courts, justices of the peace, or courts of record. [R. O. 1876.]

Repeal of a Repealing Ordinance.—Effect.] § 4. No ordinance or part of any ordinance, repealed by any other ordinance, shall be revived by the repeal of the repealing ordinance, unless it shall be therein otherwise expressly provided. [R. O. 1876.]

CONSTRUCTION OF CERTAIN WORDS. ] § 5. When in any ordinance words importing the singular number are used in reference to any person or subject matter, such words shall be deemed to extend to and embrace several persons, matters or subjects, and words used collectively or importing the plural number, shall be deemed to extend to and embrace any singular person, matter or subject, as well

as to several; and when any person or subject matter shall be named, referred to or described by words importing the masculine gender, or or by general terms, females as well as males shall be deemed included in the meaning and terms thereof, and the words "person" or "persons," or words importing any person or persons, shall be deemed to include corporations as well as individuals. The word "month," when used in any ordinance, shall be construed to mean a calendar month, and the word "oath" shall be deemed to include an affirmation, and the word "sworn" to mean sworn or affirmed. [R. O. 1876.]

Power of Mayor Pro Tem.—City Marshal and Policemen.] § 6. When any duty shall be required of or power vested in the mayor, the same shall be deemed to extend to and embrace, and may be exercised by the acting mayor, or mayor pro tem. also, and when any duty shall be required of or power vested in the city marshal, the same shall be deemed to extend to and embrace and may be exercised by policemen, unless such construction would be contrary to the terms of the ordinance or in derogation of the city charter. [R. O. 1876.]

Rules of Construction.] § 7. The rules of construction herein prescribed shall apply in all cases, unless it shall be otherwise expressly provided in the ordinance, or unless there be something in the subject matter or context thereof repugnant to such construction, and all general terms, provisions, phrases or expressions used in any ordinance shall be liberally construed, in order that the true meaning and intent of the city council may be carried out. [R. O. 1876.]

Fines, etc., Not Released by Repeal of Ordinance.] \$ 8. No fine, forfeiture, penalty, right, action, suit, debt or other liability whatever, created, instituted, incurred or accrued by or under any ordinance, prior to its appeal or modification, shall be released, discharged, amended or repealed, or in any wise affected by the passage of such repealing or modifying ordinance, but the same may be prosecuted, recovered or enjoyed, or any suit or other proceeding commenced or completed thereon, as fully, and in the same manner in all respects, as if such ordinance or part thereof had remained in full force, unless it shall be otherwise expressly provided in the ordinance making such repeal or modification.

[R.O. 1876.

Two Offences.—Election of Prosecutor.] § 9. When any fine or penalty shall be imposed by different ordinances, or sections or clauses of different ordinances, for the same offense, the officer or person prosecuting may choose under which ordinance or section to proceed, and a recovery under the same shall be a bar to any further proceedings under any other provision for the same offense. [R. O. 1876.]

ENROLLMENT OF ORDINANCES—DUTIES OF CLERK.] § 10. All ordinances passed by the city council shall be enrolled by the city clerk in the record book of ordinances, and shall be properly indexed by their titles or subjects, and he shall, without delay, cause all ordinances required by law to be so published, to be published in the newspaper authorized to publish the ordinances of the city, with his certificate under the corporate seal attached that the same is a true and authentic copy of the original ordinance (or ordinances), and that it is printed and published by authority of the city council. He shall procure the affidavit of the printer or the publisher of the newspaper publishing the ordinances of the city of the due publication of such ordinance, and attach the same to the original ordinance, or he may write and attest such affidavit, or any other competent proof of such due publication upon the face of the record of ordinances. The city clerk shall file and preserve the originals of all ordinances in his office, and he may correct any errors in the numbering of any chapter or section of any ordinance, and insert the proper numbers; and he may omit words inserted, or supply with brackets words omitted by clerical mistake. He shall attend to the printing of all ordinances requiring publication or ordered to be published, and read the proof sheets thereof, and see that they are correctly and properly printed and published. [R. O. 1876.]

OLD ORDINANCES IN FORCE.] § 11. All ordinances now in force in the city of Danville, and not inconsistent with these, the revised ordinances, shall remain in force under these ordinances, until altered, modified or repealed by the city council, after these, the revised ordinances, shall take effect. All ordinances, or parts of ordinances, in conflict with this revised ordinance, or any chapter or section thereof, are hereby repealed.

# CHAPTER XXII.

## MILKMEN.

## SECTION.

## SECTION.

- I. Milkmen to be licensed.
- 2. License fee.
- 3. Name on wagon.

- 4. Drivers or employees of unlicensed wagons.
- Adulterated milk.

or agent, carry on the business of selling or delivering milk to customers in the city, by means of a wagon, cart or other vehicle, without being licensed so to do, as hereinafter provided, under a penalty of not less than five dollars, nor more than one hundred dollars for each offense.

Amount of License.] § 2. Every person desiring a license as a milkman, shall pay for the same, at the following rates: Where a person sells or delivers milk with only one wagon or other vehicle, the license fee shall be five dollars per year, and five dollars for each additional wagon or other vehicle used in such business.

NAME ON WAGON.] § 3. Every person licensed to sell milk, shall cause his name to be legibly painted or placed on each wagon or other vehicle, used by him in his business. Any person violating this section shall be fined not less than one dollar, nor more than ten dollars, for each day he shall neglect or refuse to place his name on such wagon or other vehicle, after being requested so to do, by any police officer.

Drivers or Employees of Unlicensed Wagons. Whoever, as driver, agent or employee of the owner of any such wagon or other vehicle, used in the sale or delivery of milk as aforesaid, or as the employee or agent of the owner of the milk so sold or delivered, shall drive any such wagon, or other vehicle, or shall sell or deliver milk as aforesaid, without his employer having a license as required by this chapter, shall be fined not less than three dellars, nor more than fifty dollars for each offense.

ADULTERATED MILK,] § 5. Whoever shall sell, or offer for sale any milk adulterated with water, or with any other liquid, or substance, or any milk produced from any sick or diseased cow, shall, for each offense, be fined not less than ten dollars, nor more than one hundred dollars. And any police officer is hereby authorized and empowered to seize and destroy any such milk sold or offered for sale.

# CHAPTER XXIII.

#### PAWN BROKERS.

SECTION.

#### SECTION.

- I. Pawn broker defined—license required, etc.
- 2. Mayor may grant license—rate—bond.
- 3. Pawn broker's book.
- 4. Property of minors, stolen property, etc., intoxicated persons, etc.

5. Time of receiving property.6. Other business forbidden.

7. Inspection of premises and property.8. Principal liable for violations of

clerk, etc.

PAWN BROKER DEFINED—LICENSE—PENALTY.] § 1. Whoever shall loan money on deposit, or pledge, of personal property, or shall carry on the business of purchasing such property, on the condition of selling the same back at a stipulated price, without taking a chattel mortgage thereon, duly executed and recorded, as required by law, shall be deemed to be a pawn broker within the meaning of this chapter; and any person who shall pursue or carry on the business of a pawn broker in said city without first having obtained a license therefor, and executed a bond as hereinafter provided, shall be fined not less than twenty-five dollars, nor more than two hundred dollars for each offense.

Mayor may Grant License—Rate—Bond.] § 2. The mayor, may, from time to time, grant licenses to such persons as shall produce to him satisfactory evidence of good character to carry on the business of pawn broker. Pawn brokers shall pay for a license at the rate of one hundred dollars per year; no such license, however, shall extend beyond the municipal year. Every such applicant for a license shall, before receiving the same, execute to the city a bond in the penal sum of three thousand dollars, with two or more good and sufficient sureties, residents of the city, which bond shall be conditioned for the strict observance of all ordinances of the city respecting pawn brokers as may be passed or in force at any time during the existence of the license, and further conditioned that he will pay all damages resulting to any person by reason of his wrongfully purchasing or taking in pledge any stolen property, or the property of any minor.

PAWN BROKER'S BOOK, INSPECTION OF BOOK.] § 3. Every pawn broker shall keep a well bound book, suitably ruled for the purposes herein designated, in which shall be legibly written in ink, at the time of each loan or purchase, an accurate account or description in the English language, of the goods, article or thing pawned, pledged or purchased, the amount of money loaned thereon or paid therefor, the time the same was pledged, pawned or purchased, the rate of in-

terest to be paid on such loan and the name and residence of the person pawning, pledging or selling the goods, article or thing. No entry made in such book shall be erased, obliterated or defaced. The said book shall at all reasonable time be open to the inspection of the mayor, marshal or any police officer of the city. Any person violating this section or any part thereof, shall be fined not less than twenty-five dollars, nor more than two hundred dollars for each offense, and shall forfeit his license, in the discretion of the mayor.

Property of Minor—Stolen Property, etc.] § 4. Any pawn broker who shall purchase, take or receive in pledge, or on deposit, any article of property of, or from, any minor, or being owned by a minor, or any stolen property, or from any person known to be a notorious thief, or any property which from any cause he may have reason to believe cannot be lawfully or rightfully pawned, pledged or sold, by the person offering it, or from any person intoxicated, shall in either case be fined not less than ten dollars, nor more than one hundred dollars, and shall in addition thereto forfeit his license.

Time of Receiving Property.] § 5. No pawn broker shall purchase, take or receive on pledge or deposit any article of property, after the hour of ten o'clock in the evening, or before the hour of seven o'clock in the morning, under a penalty of not less than ten dollars, nor more than one hundred dollars.

OTHER BUSINESS FORBIDDEN.] § 6. No person licensed as aforesaid shall carry on any other business or avocation, directly, or indirectly, in the same building, or in any building adjoining the place or building in which he, or she, may be licensed to carry on the business of pawn broker.

Inspection of Premises and Property.] § 7. Every pawn broker shall at all reasonable times during business hours, allow the mayor, city marshal, or any policeman of the city, to enter the place of business of such person, and examine and inspect the stock or property on hands in such place of business, or search the said premises for stolen property, or make such examination of the same, as such officer may desire in the discharge of his official duty. Any person who shall refuse to permit such officer to make such search or inspection, or shall hinder or obstruct him in making the same, or shall refuse to show such officer any property, article or thing in the possession of such pawn broker, when requested so to do by such officer, shall, in either case, be fined not less than ten dollars, nor more than one hundred dollars for each offense, and shall forfeit his license, in the liscretion of the mayor.

VIOLATIONS OF ORDINANCE BY CLERK—PRINCIPAL LIABLE.] § 8. Every licensed pawn broker shall be subject to any of the penulties prescribed in this chapter for a violation of the same, or any

part thereof, whether such violation is done by himself, or by his clerk, agent or employee; and such clerk, agent or employee of any such licensed pawn broker who shall violate this chapter, or any part thereof, shall also be subject to the same penalty herein prescribed for such violation when done by a licensed pawn broker.

# CHAPTER XXIV.

## PEDDLERS.

## SECTION.

## SECTION.

Peddler defined.

2. Peddling without license—penalty.

3. License fees.

4. Farmers, etc. to sell produce without

5. Peddlers not to enter house without permission.

 Discretion of mayor in cases of charity.

PEDDLERS DEFINED.] § 1. The selling of goods, wares, merchandise or other articles, or the offering of the same for sale, by any person transiently or temporarily in the city for the purpose of selling or disposing of the same at retail, whether in any room or building as a temporary place of business, or at any stand, uninclosed place, or other place of any kind; and the selling of goods, wares, merchandise or other articles of value, or the offering of the same for sale at retail, by any person travelling or going about from place to place within the city, on foot, or in a vehicle of any kind, or whether such person resides or does business within said city, or not, shall be deemed peddling, and the person so engaged in such selling, or offering to sell, as aforesaid, shall be deemed a peddler, and subject to the provisions of this chapter.

PEDDLING WITHOUT LICENSE—PENALTY.] § 2. Whoever shall peddle, or attempt to peddle, goods, wares, merchandise or other articles of value, without first obtaining a peddler's license, shall be fined not less than five dollars, nor more than one hundred dollars for each offense.

LICENSE FEES.] § 3. Licenses granted under this chapter shall be charged for at the following rates: For a license to sell by foot peddlers, five dollars for two weeks or less, or fifteen dollars for one month, and five dollars for eace month thereafter. For peddlers using a one horse vehicle, five dollars per day, and for peddlers using a two horse vehicle, six dollars per day. For persons located tem-

porarily or transiently in a room, not less than ten dollars, nor more than fifty dollars per day to be determined by the mayor. For persons selling at any stand, or uninclosed place, not less than one dollar, nor more than five dollars per day, to be determined by the mayor.

FARMERS, ETC., TO SELL PRODUCE WITHOUT LICENSE.] § 4. No license to sell shall be required of any farmer, fruit grower, or gardener, selling the produce of his farm, orchard, or garden; nor shall any license be required to sell fruit, cakes, nuts or other like refreshments when sold by any resident of the city.

PEDDLERS NOT TO ENTER HOUSES WITHOUT PERMISSION.] § 5. No peddler shall vex, annoy, or harass any person by importuning such person to purchase or look at his goods, or otherwise vex or annoy any person; nor shall any peddler enter any private house without being invited to go in, under a penalty of not less than three dollars, and not exceeding one hundred dollars for each offense, and a forfeiture of his license, in the discretion of the city council, or the police magistrate, or other court before whom conviction may be had; and at no time thereafter shall he be licensed unless for good cause shown, the city council shall remove his disability.

DISCRETION OF MAYOR IN CASES OF CHARITY.] § 6. Whenever, in the judgment of the mayor, it would be a proper charity to allow any sick, crippled or helpless person, or any person in poverty or distress, to sell or peddle notions, or other like property, without requiring the license fee herein charged, to be paid, the mayor may grant such person a permit to sell free of charge. Such permit to be revoked at any time, in the discretion of the mayor.

## CHAPTER XXV.

## POLICE DEPARTMENT.

#### SECTION. SECTION. I. Police department shall consist of 20. Arrest at night. Prisoners drunk when arrested. 2. Appointment of policemen. Statement to be filed. 22. 3. Bond and oath of policemen. 23. Arrest without warrant. 4. Duties of mayor. Bail. 24. 5. Duties of city marshal. Officers as witnesses. 25. 6. Marshal custodian of property. 26. Witness and jury fees. 7. Reports of city marshal. Malicious suits-costs, etc. 27. 8. Absence of marshal. Committment—labor of prisoners. 28. 9. Day and night force, beats, etc. Refusing to labor. 29. 10. Captain of night police, turnkey, etc. 30. Discharge of prisoners. II. Police record. Report of labor performed. 31. 32. Payment of fines into treasury-12. Special police. Temporary police. magistrate's report. Falsely representing to be an officer. 14. Duties of police. 33. 15. Power to arrest—serve warrants, etc. 34. Resisting officer. 16. Search warrant, 35. Rescue of prisoners.

POLICE DEPARTMENT SHALL CONSIST OF WHOM.] § 1. The police department of the city shall consist of the mayor, the aldermen, police magistrates, city marshal, and such policemen and watchmen as may be appointed by the mayor and city council.

36.

27.

38.

Re-arrest of escaped prisoners.

Posse comitatus.

Uniforms of police.

17. Neglect of duty, etc.

18. Causes for removal.

ance—bail.

19. Trial of persons arrested—continu-

APPOINTMENT OF POLICEMEN.] § 2. The mayor shall, at the beginning of each muncipal year, or within a reasonable time thereafter, and by and with the consent of the city council, appoint such a number of policemen as the city council shall by ordinance or resolution authorize, who shall be duly commissioned as other city officers are by law required.

Bond and Oath of Policemen.] § 3. Each policeman, or watchman shall, before entering upon the duties of his office, take and subscribe to the same oath required of other city officers, and shall also execute a bond payable to the city, with security to be approved by the city council, in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office, and the payment of all moneys received by him, according to law and the ordinances of said city.

DUTIES OF MAYOR.] § 4. The mayor shall exercise a general supervision and control over the police department, and shall see that the various police officers are prompt and efficient in the discharge of their duties, and he shall, from time to time, take such measures for the preservation of the public peace and good order, and for the

prompt and efficient execution of the laws of the state and the ordinances of the city, as may be deemed most expedient and best to accomplish the purpose contemplated. [R. O. 1876.]

DUTIES OF CITY MARSHAL.] § 5. The city marshal shall be the commanding officer of the entire police force of the city, subject only to the mayor, or the city council in session. He shall devote his whole time to the discharge of his duties, and shall see that the laws and ordinances are enforced so far as possible by the force under his command. He shall assign to all policemen or patrolmen their different beats or districts, and their respective hours of duty, and shall see that they are on duty during the whole time of their watch.

MARSHAL CUSTODIAN OF PROPERTY.] § 6. The city marshal shall be the custodian of all property provided by the city for the use of the police department. He shall also be the custodian of all stolen goods, or other property received and retained under the police authority.

REPORTS OF CITY MARSHAL.] § 7. The city marshal shall make to the city council, at each regular meeting thereof, a report in writing of the doings of his department during the preceding month. Said report shall set forth the number of arrests, by whom made, and on what charges; the number of prosecutions for the recovery of fines, before what magistrate brought, how disposed of, the amount of fines and costs assessed, and the amount collected in money or labor, together with a statement of all property received by him during the month by virtue of his office.

ABSENCE OF MARSHAL.] § 8. The city marshal shall not absent himself fom the city, without permission of the mayor; and in case of such absence, the mayor shall designate some member of the police force to assume the duties of marshal, who shall be the acting city marshal, and shall possess all the power and authority of the marshal.

DAY AND NIGHT FORCE, BEATS, ETC.] § 9. The city marshal shall divide the police force into two classes, to be respectively known as the day and night force. In making such division, provision may be made for the interchanging of the different members of the force, from one class to the other as he may deem best. He shall also locate and establish beats and stations throughout the city to be occupied by the different members of the force, when on duty; and shall fix the hours of duty for each relief or class. He shall also report his action under this section to the city council, and the same shall be subject to the approval thereof.

Captain of Night Police, Turnkey, etc.] § 10. The mayor shall designate one member of the police force, as captain of the night police, who shall perform the duties of a regular policeman, but shall be the officer in charge of the night force, subject to the orders of the mayor and marshal. The mayor shall also designate

one of the members of the force as turnkey, who shall be the officer in charge of the police station and city prison. He shall remain at the police station during the day and such hours of the night as may be designated by the city marshal under the preceding section. He shall have charge of the prisoners in the city prison, and shall attend to their wants and necessities. It shall be his duty to answer and attend to all calls for police service in the neighborhood of his station, when there is no other police officer at the station.

POLICE RECORD.] § 11. The city marshal shall provide a suitable police record, which shall be kept at the police station, and in which, each officer making an arrest shall enter the name of the person arrested, where arrested, on what charge, what property, if any, was taken or found on such person and how disposed of, and shall also record his own name, as the officer making the arrest.

SPECIAL POLICE.] § 12. The mayor may, by and with the consent of the city council, and upon the application of any corporation, association, firm, or individual, appoint any suitable person in the employ of such applicant, a special policeman in and for said city. Such special policeman shall, before entering upon the duties of his office, take the same oath, and execute a bond to the city in the same amount, and with like conditions as required of other police officers, with surety to be approved by the city council. He shall also be commissioned in the same manner as other police officers, except, that in such commission he shall be designated as a special policeman. Such appointment shall not extend beyond the municipal year, and when such special policeman has been duly qualified as aforesaid he shall possess all the power and be obeyed the same as members of the regular police force. Provided, such special policeman shall not receive any compensation from the city for his services. The mayor may revoke such appointment at any time he may deem proper.

Temporary Policemen.] § 13. Whenever it may be deemed necessary for the preservation of public order or private or public property, the mayor, by and with the advice of the city council, may appoint such a number of temporary policemen as the city council may direct, to serve for such a period as the council may determine. Such policemen shall take the same oath as required of other officers, and give a bond in the sum of three hundred dollars, conditioned as by law required, with surety to be approved by the mayor. They shall also be commissioned the same as other policemen; and when so qualified, they shall possess the same power, perform the same duties, and be subject to the same obligations as the regular police force. Such policemen shall receive such compensation as may be agreed upon, or as may be povided by the city council.

Duties of Policemen.] § 14. The several members of the

police force, when on duty, shall devote their time and attention to the discharge of the duties of their office according to the ordinances of the city, and the rules and regulations of the police department. They shall, to the best of their ability, preserve order, quiet and peace throughout the city, and enforce all the ordinances of the city. Every policeman shall report to the marshal, or mayor, all persons known or suspected to be gamblers, receivers of stolen goods, thieves, burglars, or disorderly persons, and also all unlawful or disorderly houses, or places, within said city, coming to his knowledge, as well as all violations of the laws of the state, or the ordinances of the city, reported to him, or of which he may be cognizant; and when it shall come to the knowledge of any policeman that any city ordinance has been violated, such member shall forthwith cause a complaint to be made before a police magistrate, or justice of the peace within the city and the proper witnesses to be subposed and evidence procured for the successful prosecution of the offender.

Power to Arrest—Serve Warrants, etc.] § 15. The city marshal, and each policeman of said city, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city of Danville, or any criminal law of the state of Illinois, or found under suspicious circumstances and unable to give a satisfactory account of their doings, and may commit such persons so arrested for examination, and, if necessary detain them in custody over night or Sunday in the city prison or other safe place, or until they can be brought before the proper magistrate. All warrants for the violation of ordinances, and all criminal warrants to whomsoever directed, may be served and executed within the corporate limits of said city by any policeman thereof. [See laws 1883, State of Illinois.]

SEARCH WARRANT.] § 16. Whenever the city marshal, or any police officer is satisfied that there is reasonable cause for searching any house, building, apartment, room, or place, for property that has been stolen, embezzled, or fraudulently obtained by false tokens or pretenses; or for counterfeit or spurious money, or tools, machinery or materials for making the same; or for gaming apparatus, or implements used or kept and provided to be used in unlawful gaming, it shall be the duty of the marshal, or policeman, to swear out a search warrant for the search of such premises as by the statutes of the state of Illinois provided. [Rev. Stat. 1881, p. 418, § 372.]

NEGLECT OF DUTY.] § 17. Any member of the police force who shall neglect or refuse to perform any duty required of him by the ordinances of the city, or the rules and regulations of the police department, or who shall in the discharge of his official duties be guilty of any fraud, extortion, oppression, favoritism or willful wrong or injustice, shall forfeit and pay a penalty of not less than five

dollars, nor more than one hundred dollars, and shall be subject to removal from office.

CAUSES FOR REMOVAL.] § 18. The following offenses shall be deemed sufficient causes for removal of any member of the police force:

First. Disobedience of the orders of mayor, city council or marshal.

Second. Drunkenness.

Third. Holding familiar conversation on the streets with prostitutes, or associating with rowdies or gamblers.

Fourth. Violent, insolent or abusive language to a superior officer, or to any citizen, resident or stranger.

*Fifth.* Drinking intoxicating liquor, wine or beer, while on duty, or entering any saloon, gambling house, or house of ill-fame, while on duty, except in the discharge of the duties of his office.

Sixth. Accepting or receiving from any person, while in custody, or after he shall have been discharged, or from any of such person's friends, any gratuity, gift, pay or reward.

Seventh. Communicating to any person any information which may lead to the escape from arrest or punishment of persons accused of any crime, misdemeanor, or violation of any city ordinance.

Eighth. Leaving the city, without permission, in writing, from the mayor, unless in pursuit of offenders fleeing from arrest.

Ninth. Leaving his beat or post, during his hours of duty, except in the discharge of the duties of his office; or going to sleep during his hours of service.

Tenth. Charging or receiving any fee or compensation, other than his legal salary, or receiving or accepting any present or reward for police services rendered, or to be rendered, unless with the written permission of the mayor, first had and obtained.

TRIAL OF PERSONS ARRESTED—CONTINUANCE—BAIL.] § 19. Whenever any person shall be arrested for any offense, it shall be the duty of the police officer making the arrest, to take the prisoner to the police headquarters, and a record of the arrest shall be made in the book kept for that purpose. If any police magistrate is at his office the prisoner shall be immediately taken before such magistrate, and if the city and the prisoner are both ready, a trial may at once be had; but either party may have a continuance for a reasonable time to procure witnesses, or for other good cause shown; and the prisoner shall enter into a recognizance, with surety to be approved by the magistrate, for his appearance at the time of trial; and in default of such recognizance, he shall be confined in the city calaboose until the time fixed for trial, and until the further order of the court.

ARRESTS AT NIGHT.] § 20. All prisoners arrested in the night time, or at other times when no police magistrate's court shall be open, shall be taken to the police headquarters, and a like record made as before provided, and the prisoner shall be confined in the city calaboose until the next morning, or until a trial can be had, or, if arrested on Saturday night, or on Sunday, then he shall be confined as aforesaid until Monday morning, when the prisoner shall be taken before a police magistrate and a trial had, or the case continued as provided in the preceding section.

Prisoners Drunk when Arrested.] § 21. Whenever any person arrested for any offense, shall, at the time of his arrest be drunk or intoxicated, the officer making the arrest shall take such person to the police headquarters and confine him in the calaboose until he shall become sober; and he shall then be taken before a police magistrate for trial as provided in other cases.

STATEMENT TO BE FILED.] § 22. When any suit for the violation of any of the city ordinances, shall be commended by summons before any police magistrate, or justice of the peace, the city attorney, or some other officer of the city shall file a statement signed by him, substantially as follows, viz:

"A. B., to the city of Danville, Dr., to——dollars for a violation of the——section (or sections) of an ordinance of the city of Danville, entitled (here set forth the title of the ordinance) passed on the——day of——18—, (or of the city charter as the case may be,) in this, to-wit: that the said A. B., on or about the——day of——A. D. 18—, before the commencement of this suit, did at the city of Danville (or within the jurisdiction of said city), (here state the particular violation or violations complained of, as near as may be, in the language of the ordinance or the city charter).

ARRESTS WITHOUT WARRANT.] § 23. Whenever any person shall be lawfully arrested without a warrant and brought before a magistrate for trial, no process shall be necessary, but the statement required by the preceding section hereof shall be made and filed as therein provided, and the magistrate before whom such person is brought shall enter the case on his docket as in other cases.

Bail..] § 24. Any person who may be arrested by or in the custody of any officer for the violation of any ordinance of the city, may release himself from custody or imprisonment by entering into bail or recognizance before such officer or before any police magistrate, in such amount or with such surety or sureties as may be required of him, and conditioned that he will appear before the police magistrate or court named therein at the time named, and remain and answer the offense with which he stands charged, and await his trial thereon, and not depart the court without leave. The amount of the penalty

of the bond or recognizance shall be proportioned to the offense charged, and such bond or recognizance shall be filed with the magistrate or court named therein, by the officer taking the same, and if the offender shall fail to appear, or shall otherwise fail to comply with the conditions thereof, the same shall be adjudged forfeited, and suit shall forthwith be brought thereon against the offender and his surety or sureties, for the full amount of the penalty thereof, and judgment shall be rendered by the court for the same and all costs, or for so much of said penalty as may be adjudged just and proper, upon examination of the facts of the case. [R. O. 1876.]

OFFICERS AS WITNESSES.] § 25. All officers making arrests shall attend as witnesses before the police court and shall procure all necessary evidence in their power, and furnish a list of all witnesses to the court or to the city attorney. [R. O. 1876.]

WITNESS AND JURY FEES.] § 26. Witnesses except officers and jurors attending before any police magistrate in any suit or action for any fine or penalty arising under the ordinances of the city, shall, in case judgment is obtained against the offender and collected from him, be entitled to the same fees as in like cases before justices of the peace. But no costs of any kind shall be taxed against or collected of the city. [R. O. 1876.]

Malicious Suits—Costs Against Prosecutor.] § 27. The city attorney shall not be compelled to bring or prosecute any suit in any case where he and the court may be satisfied that the complaint is instituted maliciously or vexatiously, and without any probable cause, and that the interests of the public or of the city will not be subserved thereby. And if any person charged with any offense shall, upon his trial therefor, be acquitted, and it shall satisfactorily appear to the court that the complaint or prosecution was instituted maliciously or vexatiously and without probable cause, judgment may be rendered against the complainant or prosecutor for the costs arising in the case, and execution issued for the collection of the same. [R. O. 1876.]

COMMITTMENT—LABOR BY PRISONERS, ETC.] § 28. Any person upon whom any fine or penalty shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail, calaboose or city prison, until such fine, penalty and costs shall be fully paid: *Provided*, that no such imprisonment shall exceed six months for any one offense. Every person so committed, shall work for the city under the direction of the police, upon the streets or alleys thereof, or at such other labor or employment as may be provided by the city council, within or without such prison, such labor suitable to the health or strength of such person, and not to exceed ten hours each working day: for such work the person so employed, or worked, shall be allowed two dollars per day, exclusive of his or her board, which sum shall be credited upon the fine and costs.

REFUSING TO LABOR.] § 29. Any person so committed who shall refuse to labor, or who shall conduct himself in a riotous manner, or shall refuse to obey the orders of the officer of the city having him in charge, or shall resist him or attempt to escape, shall not be entitled to any credit on his fine, and may be re-committed to the county jail, or other place of confinement, until he shall consent to labor. [R. O. 1876.]

DISCHARGE OF PRISONERS.] § 30.] Any person committed, may, at any time, pay the amount of the execution and costs, and upon the payment being made, or upon his working out the amount of the fine and costs against him, or otherwise being entitled to his discharge, the marshal, or other officer having him in custody, shall, if required, give him a written discharge and set him at liberty. [R. O. 1876.]

REPORT OF LABOR PERFORMED.] § 31. The marshal or other officer having any person in his custody for labor as herein provided, shall, from time to time, report to the city council in writing, the names, the amount of the fine, and the number of days worked.

PAYMENT OF FINES INTO TREASURY—MAGISTRATE'S REPORT. § 32. Any police magistrate or other officer collecting fines or moneys on account of the city, shall pay the same into the city treasury as fast as collected. The police magistrate before whom any suit or suits may be brought in the name of the city for the recovery of any fines or penalties, shall, quarterly, on the first Thursday of March, June, September and December in each year, report to the city council a list of all suits brought in the name of the city since his last report, with the disposition made of each case, the amount of the fine imposed, if any, the name of the officer charged with the collection of the same, by whom, and the amount collected; also the amount collected since his last report upon any judgment, for any fine rendered prior to such report. If any police magistrate shall neglect or refuse to hold a police court at any reasonable time when required, or shall neglect or refuse to pay over any moneys collected by him, or make his quarterly report as herein required, the city council may order all suits in the name of the city for the recovery of any fine or penalty to be brought before some other police magistrate or justice of the peace who shall agree to comply with the requirements hereof, and before whom all suits in the name of the city for the recovery of any fine, forfeiture or penalty shall be brought. If any police magistrate or other officer shall neglect or refuse to pay over any fine, or any moneys collected by him on account of the city, legal proceedings may be commenced at any time to compel such payment. [R. 0. 1876.]

FALSELY REPRESENTING TO BE AN OFFICER—PENALTY.] § 33. Whoever shall falsely represent himself to be an officer of this city,

or shall, without authority, exercise or attempt to exercise any of the powers, duties or functions of any city officer, shall be subject to a penalty of not less than ten dollars, and not exceeding one hundred dollars for each offense. [R. O. 1876.]

RESISTING AN OFFICER.] § 34. Whoever shall willfully hinder, delay, resist or obstruct any city officer, or any person legally authorized by him, in the discharge of his duty, or shall aid, abet, or encourage any such hindering, delaying, resisting or obstructing, or shall neglect or refuse to obey any lawful order or directions of any such officer, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars for each offense. [R. O. 1876.]

Rescuing Prisoners, etc.] § 35. Whoever shall rescue or attempt to rescue, or shall abet or encourage the rescue or escape of any person from the custody of any officer, or other person legally having him in charge; or shall molest or interfere with any officer or other person so legally having any person in custody; or shall aid, abet or encourage the rescuse or escape, or the attempt to escape, from any prison of any person legally committed thereto, or shall supply or attempt to supply any such person with any weapon, or with any implement or means of escape, or for attempt to escape, or with any intoxicating liquors, shall, in each case, be subject to a penalty of not less than twenty-five dollars, and not exceeding one hundred dollars for each offense. [R. O. 1876.]

RE-ARREST OF ESCAPED PRISONERS.] § 36. Whenever any person who shall escape from any prison or place of confinement to which he has been legally committed, or shall escape from any officer or other person having him in custody, it shall be the duty of the marshal and all police officers to re-arrest, without process, the party so escaping whenever he may be found, and re-commit him to prison or deliver him into the custody of the officer or person from whom he escaped. [R. O. 1876.]

Posse Comitatus.] § 37. Any police officer may call upon any male person above the age of eighteen years, to aid him in the arrest, retaking or custody of any person having committed any unlawful act, or to aid in preventing the commission of any unlawful act, and whoever shall neglect or refuse to give such aid and assistance when so required, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars, for each offense. [R. O. 1876.]

UNIFORMS OF POLICE.] § 38. The committee on police of the city council shall make suitable regulations under which the policemen of the city shall be required to wear any appropriate uniform and badge, subject to the approval of the city council.

# CHAPTER XXVI.

## RAILROADS.

## SECTION.

- Speed of cars.
   Cars obstructing street.
- 3. Locomotive whistle.
- Railroad crossings.—bridges.
   Neglect to build after notice. Railroad crossings.—bridges.

## SECTION.

- 6. City may build crossings, etc.
- 7. Flagmen, Bars, gates, etc.
- Lights on cars at night.
- 9. Penalty.

SPEED OF CARS, ETC.] § 1. No railway company, railroad engineer, railroad conductor or other person, shall run any locomotive, freight or passenger car, or any train of cars upon, or along, any railroad track, side-track or switch, within the corporate limits of the city of Danville, at a greater rate of speed than ten miles an hour.

CARS OBSTRUCTING STREET.] § 2. No railway company, railroad engineer, train conductor, or other person, shall cause or allow any locomotive, car or cars, or train of cars, to stop in or remain upon any street or railroad crossing within said city for a longer period than five minutes: Provided, however, it shall be lawful for a train of cars to remain across said streets, if the same shall be uncoupled, cut or separated in such manner as to allow free and safe passage over such crossing for teams and foot passengers.

LOCOMOTIVE WHISTLES.] § 3. No railway company, locomotive engineer, or fireman, shall cause or allow the whistle of any locomotive engine to be sounded within the corporate limits of the said city, except necessary brake-signals, and such as may be absolutely necessary to prevent injury to persons, or other casualty or accident.

RAILROAD CROSSINGS AND BRIDGES. ] § 4. All railroad companies whose tracks now, or may hereafter enter, or pass through the corporate limits of the city, shall respectively construct, repair, and maintain good, safe and sufficient culverts, crossings and bridges, with good and easy approaches thereto, on all public alleys, streets and highways, where their respective tracks pass under, across or over any alley, street or highway, within said city.

NEGLECT AFTER NOTICE—PENALTY.] § 5. Whenever any crossing, culvert or bridge, shall be needed upon the line of any railroad, within the city, or shall need repairing, it shall be the duty of the mayor to give such company thirty days notice, in writing, of the work to be done, and the place where required, and any railroad

company neglecting or refusing to construct or repair any crossing, culvert or bridge, after having received thirty days notice so to do, shall be fined not less than five dollars, nor more than fifty dollars, for each day of said neglect or refusal.

CITY MAY BUILD CROSSING AND RECOVER COST.] § 6. In case of the failure or refusal of any railroad company to construct or repair any crossing, culvert or bridge, when duly notified by the mayor, so to do, as provided in section five hereof, the city council may order such crossing, culvert or bridge to be constructed or repaired, as may be needed, at the expense of the city, and such company shall be liable to the city, in an action of debt, for the cost thereof.

FLAGMEN, BARS, GATES, ETC.] § 7. All railroad companies, corporations or persons, operating any line of railway, whose track or tracks, cross any of the following named streets in said city: Main, Vermilion, North, or South streets, and at all other street crossings, when they shall be required so to do, by resolution of the city council, shall station, keep and maintain, at their own expense, at each of said street and railroad crossings, a reliable and competent flagman, whose duty it shall be to signal persons traveling in the direction of any of said crossings, and warn them of the approach of any locomotive, car, train of cars, or other impending danger. In addition thereto, whenever the city council shall deem it necessary to require any railroad company, corporation, or persons, operating any line of railway as aforesaid, to provide further protection against injury to persons and property at any such railroad crossing, in said city, said city council may by resolution, so declare and direct that any such railroad company shall, within a certain time, to be fixed in said resolution, erect, construct and maintain a sufficient gate or gates, or other efficient protection at such crossing. Within ten days after the passage of said resolution, the mayor shall cause to be served upon such railroad company named in such resolution, a certified copy thereof, by leaving the same with any agent, officer or employee of said company. Any railroad company required to erect or construct any such protection as aforesaid, which shall neglect, fail or refuse so to construct the same within the time specified in said resolution, shall be fined not less than fifty dollars, and shall be subject to a like penalty for each and every ten days after the expiration of the time so fixed for the construction of such protection.

LIGHTS ON CARS AT NIGHT.] § 8. Every locomotive engine, railroad car or train of cars, running in the night time on any railroad track in said city, shall have and keep while so running, a conspicuous light on the forward end of such locomotive, car or train of cars. If such engine, car or train of cars, be backing, it shall have a conspicuous light in the rear car or engine, so as to show in the direction said car is moving.

Penalty.] § 9. Any railroad compány or railroad corporation who shall of themselves, or by their agents or employees, violate or fail to observe any of the foregoing provisions of this chapter, or any agent, engineer, conductor, or other employee of any such railroad company or corporation, who shall violate or fail to observe the same, shall, for each violation, or failure to observe the same where no other penalty is imposed, be fined in a sum not less than three dollars nor more than two hundred dollars.

# CHAPTER XXVII.

#### RULES OF CITY COUNCIL.

#### SECTION.

- I. Meetings of council.

- Standing committees.
   Duties of committees.
   Streets and alleys.
   Public ground and buildings.
- 6. Fire and water.
- 7. Finance.

#### SECTION.

- 8. Police.
- 9. Claims.
- to. Printing.
- II. Markets.
- Contracts not authorized by council forbidden.
- 13. Rules of council.

MEETINGS OF COUNCIL—REGULAR AND SPECIAL. ] § 1. A regular meeting of the city council shall be held on the first Thursday evening of each month during the year. Special meetings may be called by the mayor, or by any three members of the council whenever in his or their discretion it may be deemed necessary: in which event it shall be the duty of the city marshal to cause each member of the council to be personally served with a notice of such special meeting, or by leaving a copy thereof at his usual place of business or residence. Said notice shall state the object of such meeting, and no business shall be transacted at any special meeting except such as is stated in said notice.

STANDING COMMITTEES.] § 2. It shall be the duty of the mayor at the beginning of each year, for which members of the city council are elected, to appoint the following named standing committees; the first named member of each committee to be the chairman thereof, and each committee to consist of not less than three members, viz:

First: Committee on Streets and Alleys.

Second: Committee on Public Grounds and Buildings.

Third: Committee on Fire and Water.

Fourth: Committee on Finance.
Fifth: Committee on Police.
Sixth: Committee on Claims.
Seventh: Committee on Printing.
Eighth: Committee on Markets.

DUTIES OF STANDING COMMITTEES.] § 3. It shall be the duty of the standing committees to keep a close watch over the affairs of their respective departments, and to promptly investigate and report in writing upon all matters referred to them by the council, and perform such other duties as may be from time to time assigned them.

STREETS AND ALLEYS.] § 4. The committee on streets and alleys shall have charge of and direct all improvements on public thoroughfares; the opening, laying out, widening, extending, and vacating the same; and all additions to the city.

Public Grounds and Buildings.] § 5. The committe on public grounds and buildings shall have charge of all buildings and grounds, including the parks, belonging to or occupied by the city, and the preservation, repair, and improvement of the same; and shall also have charge of all public cemeteries.

FIRE AND WATER.] § 6. The committee on fire and water shall have general supervision over the fire department, water supply of the city; and all improvements and machinery belonging thereto; and all matters pertaining to water works.

FINANCE.] § 7. The committee on finance shall have charge of all matters pertaining to the financial condition of the city; audit and examine the treasurer's reports; receive estimates from the other committees for annual appropriations, and prepare and present the annual appropriation bill, and shall report to the council at each regular meeting thereof, the amount of expenditures made in each regular meeting thereof, the amount of expenditures made in each department of appropriations, and the balance unexpended.

POLICE.] § 8. The committee on police shall have charge of all matters pertaining to the peace and good order of the city, and the general supervision and direction of all police officers, prisons, and work-houses, of the cleansing of the city, the removal and abatement of all nuisances, and the lighting of streets and public buildings.

CLAIMS.] § 9. The committee on claims shall investigate and examine all claims against the said city which may be referred to them,

and report the same back to the council, with their recommendations indorsed thereon in writing, signed by at least two of the committee.

PRINTING.] § 10. The committee on printing shall have charge of all matters pertaining to printing, and the furnishing of stationary and blanks to the different officers and departments of the city, and the making of contracts pertaining to the same.

Markets.] § 11. The committee on markets shall have charge of all public and private scales, weights and measures; the vending of all commodities in the streets of the city; the weighing of coal, and the measurement of wood and lumber; and shall have charge of all matters pertaining to markets.

No Officer or Committee to Make Contracts.] § 12. No committee of the city council, nor any member of said council, or other officer of said city, shall expend or contract for the expenditure of any moneys belonging to the city, or incur any liability on the part of the city, for the improvement of any street, sidewalk, alley, building or other property belonging to or under the control of said city, unless authorized so to do by ordinance, or resolution of city council.

Rules of City Council.] § 13. The following rules for the government of the deliberations of the council are hereby adopted, viz:

- I. The order of business at all regular meetings of the council, shall be as follows:
  - Reading of minutes of preceding, regular and special meetings.
  - 2. Reports of standing committees.
  - 3. Reports of special committees.
  - 4. Reports of officers.
  - 5. Petitions and communications to the council.
  - 6. Presentation of claims and accounts.
  - 7. Unfinished business.
  - 8. Miscellaneous business.
- II. The mayor shall preserve order and decorum, and shall decide all questions of order subject to an appeal to the council. Appeals to the council shall be decided without debate.
- III. No member shall speak more than twice upon any question, nor more than ten minutes at one time, except by permission of the council.
- IV. Any member called to order shall immediately take his seat, until the point of order is decided.
- V. While any member is speaking, no member shall engage in conversation with others, or pass between the speaker and the mayor.

- VI. Any member indulging in personalities, or reflections injurious to the feelings of any other member, or the harmony of the council, shall be called to order by the mayor.
- VII. All petitions and other communications to the council shall be in writing.
- VIII. When a question is stated, every member present shall vote, unless excused by the council, or unless directly interested in the question, in which case he shall not vote.
- IX. No motion shall be entertained unless seconded; when seconded, it thall be stated by the mayor, and if any member requires it, reduced to writing.
- X. When a motion or resolution has been stated by the mayor, it shall be deemed to be in possession of the council, but may be withdrawn at any time before a decision or amendment, by consent of the council.
- XI. If a question under consideration contains more than one distinct proposition, it may be divided on the request of any member.
- XII. When a blank is to be filled and different sums or times proposed, the question shall first be put upon the largest sum, or the longest time.
- XIII. When a question is under debate, no motion shall be received, unless for the previous question, to refer, to postpone indefinitely, to adjourn to a certain day, to lay on the table, to amend, or to adjourn the council.
- XIV. A motion for the "previous question," to lay the question on the table, or to commit it, until decided, shall preclude all amendment or debate of the main question; and a motion to postpone a question indefinitely, or to adjourn to a certain day, shall, until it is decided, preclude all amendment to the main question.
- XV. The "previous question" shall be put as follows: "Shall the main question be now put?"
- XVI. A motion to adjourn shall always be in order, and shall be decided without debate.
- XVII. In all cases the name of a member offering a resolution or motion, shall be entered with it, upon the journal.
- XVIII. The yeas and nays shall be taken on the passage of every ordinance, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and be entered upon the journal; and if any member require it, upon any question before the council, but shall not be taken unless called for previous to the taking of the vote.
- XIX. No ordinance shall be repealed or passed, or contract or appropriation made, unless by a vote of a majority of the board.
  - XX. Committees to whom any subject may be referred, shall

report in writing, addressed to the city council of the city of Danville, and the reports shall be filed away and preserved by the clerk.

XXI. Any report of a committee of the council shall be deferred, for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two aldermen present. [See Sec. 15, Article III, Act of Incorporation.]

XXII. The city clerk shall forward all papers to the appropriate committees and officers, as early as the next day, after the reference shall be made, by the city marshal, who shall deliver them.

XXIII. No petition for the remission of a fine under any ordinance of the city, shall be granted without a vote of two-thirds of the council, or without said petition is signed by the police magistrate, or the jury imposing the fine, or the city attorney.

XXIV. Every proposition involving the expenditure of money, shall be referred to an appropriate standing committee, and a report thereon made to the council by said committee before the council vote upon the expenditure.

XXV. On all points of order not herein specially provided for, Cushing's Manual of Parliamentary practice is adopted, and made the law governing the deliberations of said council.

XXVI. The foregoing rules, or any of them, shall not be repealed or annulled, amended, abridged, modified, or suspended, except by a vote of the majority of the council.

## CHAPTER XXIII.

#### SUPPLIES.

SECTION.

#### SECTION.

- Supplies.
   Requisition for supplies.
- 3. Who shall purchase—order—bill.
- 4. Claims for goods not ordered.
- 5. Bill—what to contain.6. Board of prisoners.

Supplies to be Purchased on Contracts.] § 1. All supplies or materials for the city of Danville shall, when practicable, be purchased on time contracts, the same to be let upon advertisement to the lowest and best bidder, as the city council may determine. The committee in charge of the different departments, shall, so far as possible, prepare estimates and specifications for such supplies. No time contracts to furnish supplies or materials shall cover a longer period than the municipal year.

REQUISITION FOR SUPPLIES.] § 2. Any officer or person having charge of any department of the city government shall, whenever any supplies or materials are needed in his department, for the furnishing of which the city does not hold a contract, make out and present to the city council in session, a written requisition, setting forth the article or articles needed, and the price thereof, if known.

WHO SHALL PURCHASE—ORDER—BILL.] § 3. The council shall, at the time of ordering the purchase of any supplies, designate who is authorized to make the purchase; and every officer or person ordering any article from a distance for the city, shall file with the city clerk a copy of the order sent by him, and also the bill of the article so ordered, as soon as the same is received.

CLAIMS FOR GOODS NOT ORDERED.] § 4. No account or claim for any article furnished the city snall be allowed unless such article was ordered to be purchased by the council, or unless the purchase thereof was the result of an emergency which could not reasonably have been forseen in time to present a requisition to the council.

BILL—WHAT TO CONTAIN—CERTIFICATE.] § 5. Every bill presented to the city council for allowance shall contain an itemized statement of the articles for which payment is asked; and shall be certified to by the officer under whom the liability was incurred.

BOARD OF PRISONERS.] § 6. The city council shall, at the beginning of each municipal year, make a contract with some responsible party, for the feeding of any and all prisoners confined in the city calaboose or prison.

# CHAPTER XXIX.

#### SEAL.

SECTION.

#### SECTION.

I. Shape-words on.

 City clerk to prepare commissions, affix corporate seal; copies of record to be certified under seal; seal not binding on the city.

SHAPE; WORDS ON.] § 1. The corporate seal of the city of Danville shall be of circular shape, with the words, "Corporate Seal of the City of Danville, Illinois, 1867," engraved on the face thereof.

CITY CLERK TO PREPARE COMMISSIONS, ETC.] § 2. The city clerk shall prepare all commissions or other official documents required to be issued, and affix the corporate seal thereto, and attest or countersign the same. He shall affix the corporate seal to all official acts of the mayor requiring it, and if necessary, attest or countersign the same. He shall certify, under the corporate seal, copies of all records, documents or papers in his office, when required by any officer or other person. But in no case shall the impression of the corporate seal be binding upon the city, unless it be authorized by the charter or ordinances of the city, and is attested by the signature of the city clerk.

### CHAPTER XXX.

#### SIDEWALKS.

#### SECTION.

# SECTION.

- I. Width of sidewalks. 2. Grades for sidewalks.
- 3. Laying walks contrary to grade. 4. Pavements to be uniform in width and in line,
- Pavements out of line.
- Sidewalks out of line or grade—a nuisance.
- Old and unsafe sidewalks.-a nuisance.
- Pavements to be of brick or stone.
- City engineer superintendent of sidewalks.
- Private drains across sidewalks,
- Cellarways, etc., in sidewalks forbidden.
- 12. Cellars or areas under sidewalks.

- Using sidewalk for area without per-
- 14. Entrance to area ways, openings, etc.
- 15. Coal holes.
- 16. Hitching posts - rings.
- Awning. 17.
- 18. Merchandise, signs, on sidewalks.
- 19. Signs to be securely supported.
- 20. Creaking signs a nuisance. 21. Goods on sidewalks.
- 22. Driving animals, etc., on sidewalks.
- 23. Water running over sidewalks. 24. Hitching teams so as to obstruct.
- 25. Gates.
- 26. Other obstructions,
- Crowds obstructing sidewalks. 27.
- Removal of obstructions.

WIDTH OF SIDEWALKS.] I. The width of sidewalks in the said city of Danville shall be as follows, that is to say: Sidewalks which are or may be parts of streets five rods wide, shall be twelve feet in width; sidewalks which are or may be parts of streets four rods wide, shall be ten feet in width; and sidewalks which are or may be parts of streets three rods wide, shall be eight feet in width. In streets less than three rods wide, the sidewalk shall be six feet wide. This section shall be construed to apply to the sidewalk extending from the line of the curb to the line of the abutting property, and not to the pavement on the sidewalk proper.

GRADES FOR SIDEWALKS. \ \ \ 2. All sidewalks or pavements shall be laid, or constructed to the grade established by the city therefor; where no grade has been established, the sidewalk, or pavement shall be laid or constructed to such grade as may be fixed by the city engineer. All persons desiring to build a sidewalk or lay a pavement in front of their premises shall first apply to the city engineer for the grade for the same; and it is hereby made the duty of such city engineer to designate by proper lines and stakes, for all persons desiring to build sidewalks, or lay pavements, the grade established for such street or sidewalk, and if there be no such grade established by the city council, then he shall designate and affix a temporary grade for the purpose aforesaid.

LAYING WALKS CONTRARY TO GRADE.] § 3. If any person shall build or assist in building any pavement, or sidewalk where no grade has been established, without first obtaining a grade therefor from the city engineer, or contrary to any grade which may be fixed by said engineer, or shall build or assist in building any pavement or sidewalk contrary to any grade which may have been or may be established by the city council, or contrary to any of the provisions of this chapter, or contrary to any ordinance hereafter passed providing for any pavement or walk, he shall, in either case be subject to a penalty of five dollars for each offense, and to a penalty of one dollar for each day he shall fail to remove or reconstruct the same after notice from the city engineer or other officer of the city to move or reconstruct the same.

PAVEMENTS TO BE UNIFORM IN WIDTH AND IN LINE.] § 4. All pavements and sidewalks hereafter laid or constructed in this city upon any one side of any street, shall be laid and constructed of uniform width, and in a uniform line, the whole length of such side of the street. Any person desiring to build a sidewalk or pavement in front of his premises, where there is no ordinance locating and fixing the line of the same, shall apply to the city engineer for the proper location and line of such sidewalk or pavement, and it shall be the duty of such engineer upon such application, to locate for such person such proposed pavement or sidewalk.

PAVEMENTS OUT OF LINE.] § 5. If any person shall build or assist in building any pavement or sidewalk, and shall build or locate the same over or out of line, or beyond the width as fixed by any ordinance heretofore or hereafter passed providing for such walk or pavement, or as fixed by the city engineer, he shall in either case, be subject to a penalty of five dollars, and to a penalty of one dollar for every day he shall fail to remove or re-lay the same after notice so to do, given him by the city engineer, or other officer of the city.

SIDEWALKS OUT OF LINE OR GRADE—A NUISANCE.] § 6. Any sidewalk or pavement that may be hereafter laid or constructed, which shall be constructed contrary to any grade established by the city council, or contrary to any grade fixed by the city engineer, or which shall be constructed or located contrary to the lines or width prescribed therefor by any ordinance of the city, or contrary to the line or width prescribed therefor by the city engineer, are hereby declared to be a nuisance, and the said city engineer is hereby authorized to remove or take up the same.

OLD AND UNSAFE SIDEWALKS—A NUISANCE.] § 7. Whenever any sidewalk shall become dilapidated, and out of repair to such an extent, as to be dangerous or unsafe for the passage of persons walking over the same, and to such an extent that the same cannot be economically repaired, then such sidewalk shall be considered a

nuisance, and it shall be the duty of the city engineer to take up or remove the same.

PAVEMENTS TO BE OF BRICK OR STONE.] § 8. All sidewalks or pavements hereafter laid or constructed in said city, shall be made of good, sound stone, brick or such other material as may be prescribed by ordinance or approved by the city council. Any person who shall lay, re-lay, or construct any sidewalk of any material other than brick or stone, or such other material as may be prescribed by ordinance, without the consent of the city council first had and obtained, or shall lay or construct such walk or pavement with an inferior or unsuitable quality of brick or stone, shall be fined not less than five dollars, nor more than one hundred dollars, and such sidewalk or pavement so constructed as aforesaid shall be deemed a nuisance, and may be taken up or removed by the city engineer.

CITY ENGINEER SUPERINTENDENT OF SIDEWALKS.] § 9. The city engineer is hereby made the superintendent of all sidewalks or pavements in said city; and it shall be his duty to see that all new sidewalks or pavements in process of construction, or that may be hereafter laid or constructed, are built or constructed to an established grade, or to a suitable and proper grade, where none has been established; and that such walks or pavements are so built or located within the alignment and of the width as fixed by ordinance, or as fixed by him where the same is not established by ordinance; and that such walks or pavements are constructed of the material and in the manner so prescribed by the ordinances of the city; and where any section of this chapter, or any ordinance of said city shall be violated by any person constructing or laying a pavement or sidewalk, he shall notify the mayor of such violation, and upon the mayor's direction shall cause the necessary complaint to be made for the prosecution of all such offenders.

PRIVATE DRAINS ACROSS SIDEWALK.] § 10. Whenever any owner or occupant of any premises shall construct or maintain any private drain across any sidewalk, such owner or occupant shall properly and substantially box such private drain where it crosses such sidewalk, and keep in repair the grade of such sidewalk where the same lies contiguous to such drain so boxed as aforesaid. Any person violating this section shall be subject to a penalty of not less than three dollars for each offense, and shall also be subject to a penalty of one dollar for each day he shall neglect or refuse to construct such drain, or repair such grade, as required by this section, after being notified so to do, by the mayor, city marshal, city engineer or any police officer.

CELLAR-WAYS, ETC., IN SIDEWALKS FORBIDDEN.] § 11. No cellar-ways, window openings, or the approaches thereto, shall in whole or in part be built, erected or maintained in or upon any side-

walk, street or alley of said city, or on any part thereof; and any person or persons who shall violate this section shall be subject to a penalty of not less than three dollars, and not exceeding two hundred dollars, and to a like penalty for each day he may suffer or permit such obstructions or encroachments in or upon the sidewalks, streets or alleys fronting or adjoining his premises.

CELLARS AND AREAS UNDER SIDEWALK.] \ 12. No person shall occupy or use for vaults, areas, or other purposes the space beneath the sidewalks, included within the sidewalk lines of any street, unless a permit therefor shall have been obtained from the city council; such permits to continue and to be issued only upon the condition that the party receiving the same, his heirs and assigns shall, as a consideration for such privilege, always maintain and keep in repair a good stone sidewalk over such space, and shall keep and maintain such vault or area, and the area ways leading thereto clean and in good condition. Any neglect, failure, or refusal on the part of said party receiving such permit, or his heirs, assigns, or the occupant of any such premises shall cause a forfeiture of such permit, and the rights and privileges granted by such permit shall, upon the order of the city council, be determined and annulled.

Using Sidewalk for Areas without Permit.] § 13. Any owner, builder, or other person who shall construct any such vault, or area beneath any sidewalk as aforesaid, or any part thereof, or shall use or occupy the same when constructed, without a permit first had and obtained as provided in section 12 of this chaper, or where a permit has been granted as aforesaid, shall use or occupy the same contrary to the terms and conditions of such permit, or shall use or occupy the same after such permit has been declared forfeited and annulled by the city council as aforesaid, shall in either case, be fined not less than three dollars, and a like sum for every twenty-four hours such occupation or use shall continue, without a further permit from the city council.

ENTRANCE TO AREA-WAYS, OPENINGS, ETC.] § 14. Where entrances to areas and basements are constructed outside the inner line of a sidewalk and on the premises abutting thereto, such entrances stairs or steps shall be securely protected by sufficient iron railings, and no open space next to any building, other than entrance ways to areas and basements shall be allowed except the same is securely protected by an iron railing, or covered with a suitable iron grating. Any person constructing, or maintaining, any such area-way, opening, or entrance contrary to the provisions of this section, either as owner or occupant of said premises shall be subject to a fine of not less than three dollars, nor more than one hundred dollars for each offense, and shall be further subject to a like penalty for each twenty-four

hours the same is so allowed to remain after being convicted of a violation hereof.

COAL HOLES.] § 15. Every opening in any vault or coal hole or aperture in the side walk over any such coal hole or aperture, shall be covered with a suitable iron plate, with a rough surface. Whenever any such coal hole or aperture is not covered as herein provided, or, from any cause becomes unsafe or inconvenient for public travel, and the owner or occupant of the adjoining or abutting premises, owning or controling such coal hole or vault, shall neglect or refuse to remove such covering and replace the same with a suitable one, for the period of five days, after being notified by the city engineer or any other officer of said city so to do, then such owner or occupant of said abutting premises shall be fined not less than three dollars, nor more than one hundred dollars for each offense, and shall be subject to a like penalty for each day he shall allow such coal hole or aperture to remain in such unsafe or inconvenient condition after the expiration of such five days notice.

HITCHING POSTS—RINGS.] § 16. Any owner or occupant of premises adjoining or abutting upon any sidewalk upon Main street, between the track of the Wabash, St. Louis & Pacific Railroad, and Franklin street; or upon Vermilion street, between North and South streets, who shall construct, keep or maintain any hitching post or rack upon the street or said walk within the aforesaid limits, shall be subject to a penalty of not less than five dollars, and to a like penalty for each day such hitching posts or racks are allowed to remain within the aforesaid limits after a notice to remove the same is given said owner or occupant, by the city engineer or any police officer of said city. Nothing in this section shall be construed so as to prevent any person securely fastening in such sidewalk, suitable iron rings, sufficient for hitching purposes.

AWNINGS.] § 17. All awnings in the said city of Danville shall be covered with cloth, leather or other light and pliable substance, shall be securely attached to the building or buildings and properly supported without posts, by iron or other metallic fastenings and supports, and shall be elevated at least eight feet at the lowest point thereof above the sidewalk, and shall not project over the sidewalk to exceed three fourths of the width thereof, and no such awning shall be constructed or repaired, either wholly or in part, of wood, and any person who shall erect any awning contrary to the provisions hereof, or refuse or neglect forthwith ro remove any awning or awning posts heretofore or hereafter erected contrary to the provisions hereof, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars for each offense, and to the further penalty of five dollars for every day he shall fail to comply with the notice to remove the same after the lapse of three days from the ser-

vice thereof from either the city engineer or any officer of said city. [R. O. 1876.]

MERCHANDISE, SIGNS ON SIDEWALKS. ] § 18. No clothing, goods, wares, merchandise, signs, boxes, or other article or thing whatever shall be placed in front of any store, shop, office or other place in said city, on or above the sidewalk, or in or upon any alley, so as to occupy more than three feet next to the buildings or premises on such sidewalk or alley, or of the space above the sidewalk or alley, and such articles or things as may be placed on the sidewalk shall not be more than three feet high above the top of the sidewalk, and all signs, articles, or other things, that may be hung out or placed above the sidewalk, shall be so placed or hung that the lowest part of such articles or things shall be at least seven feet and six inches above the top of the sidewalk and shall not swing more than three feet from the building, nor shall any owner or occupant of any lot or premises lease the space aforesaid, or permit or allow the same to be used or occupied exept for his or their own business; nor shall said space be used for selling any article or thing whatever; any person or persons who shall violate the provisions of this section shall be liable to a penalty of five dollars for every forty-eight hours the same shall remain after being requested to remove the same by the city engineer, or other officer of said city. [R. O. 1876.]

SIGNS TO BE SECURELY SUPPORTED.] § 19. All signs extending over or fronting upon any street, alley or sidewalk in the said city of Danville, shall be securely fastened to their supports, and any person or persons owning or having the control of any such sign who shall permit or suffer the same to remain insecurely fastened after notice of the fact by the city marshal or any officer of said city, shall pay a fine of not less than three dollars, nor more than one hundred dollars for each day he shall permit or suffer the same to so remain. [R. O. 1876.]

CREAKING SIGNS A NUISANCE.] § 20. Whoever shall erect, or maintain a sign of any character, whether attached to a building, a post, or other support, and which sign creaks, or makes an unpleasant or disagreeable noise, when moving or swinging in the air, shall be deemed guilty of a nuisance; and upon his failure to remedy or remove such sign within five days after being notified so to do by any officer of the city, shall be fined not less than one dollar, nor more than ten dollars, and shall be subject to a like penalty for each day he permits such sign to so remain after the expiration of said five days.

Delivering or Receiving Goods on Sidewalks.] § 21. No person or persons receiving or delivering goods, wares or merchandise in said city, shall place or keep upon or suffer to be placed or kept upon any sidewalk in said city any goods, wares or merchandise which he or they may be receiving or delivering, without leaving a

passage way clear upon each sidewalk where such goods may be, of four feet wide, for the use of foot passengers; and no person or persons receiving or delivering such goods shall suffer the same to be or remain on such sidewalk (subject, nevertheless to the forergoing restrctions,) for a longer period than twelve hours; and any person or persons violating any of the provisions of this section, shall forfeit and pay to said city a sum of not less than three dollars, nor more than ten dollars, and shall be subject to a like penalty for each hour the said goods or any part thereof shall remain as aforesaid after notice from the city engineer, city marshal or policeman, to remove the same. [R. O. 1876.]

Driving Animals Wagons, etc., on Sidewalk.] § 22. Whoever shall drive, lead, ride, push or draw back any horse, cow, or cattle of any kind, or any wagon, or other vehicle, over or upon any sidewalk, or shall willfully, or negligently permit any horse, or cow, to walk on such sidewalk, except it be in crossing the same to go into a yard or lot, where no other suitable crossing or means of access is provided, shall be fined not less than one dollar, nor more than ten dollars for each offense.

WATER PERMITTED TO RUN OVER SIDEWALKS.] § 23. Whoever shall suffer or permit the water falling or draining from any building owned by him or under his control, to spread over the sidewalk in front thereof, shall be subject to a penalty of one dollar, and to a like penalty for each day he shall not remedy the same after notice to do the same by any officer of said city. [R. O. 1876.]

HITCHING TEAMS SO AS TO OBSTRUCT SIDEWALK.] § 24. Whoever shall fasten or leave any team or beast of burden in such a manner as that the team, the vehicle, the animal, the harness, the lines, or anything belonging thereto, shall be an obstruction to the sidewalk, shall be subject to a penalty of not less than one dollar, and not exceeding ten dollars, in each case. [R. O. 1876.]

GATES OPENING OVER STREET OR SIDEWALK.] § 25. All gates opening upon any public street shall be so constructed as that no part of such gate shall swing over or above the street or sidewalk upon which it opens, unless such gate be so constructed or hung as to be self-shutting; and whoever shall erect, keep or maintain any gate, in violation of this section, shall be deemed guilty of a nuisance, and be fined not exceeding ten dollars.

Obstructions to Sidewalks.] § 26. The owner or occupant of any premises within said city, shall, at all times, keep the sidewalk along such premises open, safe and passable for foot passengers, passing over the same. For each failure so to do, or for any obstruction or injury to such sidewalk not specially designated and otherwise provided for, in this chapter, such owner or occupant shall be subject

to a penalty of not less than three dollars, and not more than one hundred dollars for each offense, and to a like penalty of each day such violation shall continue, after being notified by the city engineer or any police officer to remove such obstruction or repair such injury.

CROWDS OBSTRUCTING SIDEWALK.] § 27. When two or more persons shall stand or crowd together, so as to obstruct any sidewalk, or thereby prevent the free and unobstructed passage of other persons over such sidewalk, such persons so obstructing such walk, shall be deemed guilty of a nuisance, and shall be fined not less than one dollar, nor more than ten dollars.

Removal of Obstructions.] § 28. The mayor, aldermen, or any police officer, are authorized to cause any obstruction, encroachment, article or thing, which may be in violation of the provisions of this chapter, to be removed within a reasonable time after notice to remove the same is served upon the owner, agent or person in possession of the premises, adjoining such walk where such violation occurs, or in case the owner, agent or person in possession cannot be found, then by posting such notice upon the premises or sidewalk in front thereof, and the owner, agent, or party causing or permitting such violation, shall pay all expenses and costs of such removal, in addition to the penalties aforesaid. And any person who shall wrongfully interfere in any manner, with such removal, shall be fined not less than three dollars, nor more than two hundred dollars.

# CHAPTER XXXI.

#### STREETS AND ALLEYS.

#### SECTION.

13.

14.

# SECTION.

 Obstructions to streets forbidden. **1**6. Removing grade or corner stakes. 2. Owner to remove obstructions upon Removing or selling earth from streets. Ashes, rubbish, etc., in streets. Engineer to remove, when, etc., cost, 18. Fire upon street crossings. Building material in street. Paper, rubbish from carts, etc. 4. 20. Stopping teams upon crossings. Red lights at piles of building ma-21. 22. Feeding or huckstering on public 6. Railings and lights at excavations. square. Cellar doors open. Numbers on buildings. 23. 8. Merchandiseor fuel on streets. 24. Decimal system adopted. 9. Obstructing street by teams. Manner of numbering. 25. 10. Persons placing obstructions liable 26. Maps-engineer to designate numfor damages. II. Buildings, etc., in street not to be Size of numbers-where placed. 27. 28. Penalty for not numbering. repaired.

> 29. Numbering of new buildings. 30. City engineer to adjust numbers.

12. Removal of buildings through streets.

Excavations adjoining street to be

Excavations in streets-tearing up

Digging in street.

guarded.

sidewalks.

OBSTUCTIONS TO STREETS FORBIDDEN.] § 1. No person shall erect, construct, or place, or cause to be erected, constructed or placed, any building, fence, porch, steps, window, stairs, railing or other obstruction in whole or in part, upon any street, alley, sidewalk or other public ground within said city.

Owner to Remove Obstruction upon Notice.] § 2. The owner of any building, fence, porch, steps, window, stairs, railing or other obstruction, now standing or which may hereafter be erected or placed upon any street, alley, sidewalk or public ground, within this city, or which may be left standing upon any new street or alley, that has been or may be hereafter opened, who shall not remove the same within such reasonable time, not exceeding thirty nor less than three days, as he shall be required so to do by a notice served upon him, signed by the mayor, city engineer, or any police officer of said city, shall be subject to a penalty of not less than ten dollars, nor more than two hundred dollars, and a further penalty of ten dollars for every day the same shall remain after the expiration of the time fixed in such notice.

Engineer to Remove Obstructions—Cost, etc.] § 3. Whenever the owner of any building, fence or other obstruction, upon any street, alley, sidewalk or public ground, shall neglect or refuse to remove the same, after a notice to do so, as prescribed in the preceding section, or if the owner cannot be found for the purpose of such notice, upon reasonable diligence by the city engineer, such obstruction shall be deemed a nuisance, and the city engineer shall cause the same to be removed or taken down, and the expense thereof shall be recoverable from the owner in a suitable action before any court of competent jurisdiction. Any person who shall resist or interfere with the removal or taking down of any such obstruction as aforesaid, shall be subject to a penalty of not less than five dollars, nor more than two hundred dollars.

BUILDING MATERIAL IN STREET, ETC.] § 4. No builder or other person shall incumber or obstruct any street or alley with building or other like materials, without a written permit from the mayor, nor shall, except in case of urgent necessity and for a short time, incumber or obstruct more than one-third of any street or alley, or one-half of the sidewalk, nor shall such obstruction continue in any case longer than may be necessary in the diligent erection of such building, or the prompt execution of the work. Whoever shall violate any provision of this section shall be subject to a penalty of not less than three dollars, nor more than one hundred dollars for each day he shall continue in violation thereof. [R. O. 1876.]

RED LIGHTS AT PILES OF BUILDING MATERIAL.] § 5. Whenever any builder, or other person, shall place any pile of lumber, brick, sand, or other building material in any street or alley in said city, it shall be his duty to place suitable and sufficient red lights upon such pile of building material, at twilight in the evening, and keep them burning during the night. Upon his neglect or refusal so to do, he shall be fined not less than three dollars nor more than fifty dollars.

Railings and Lights at Excavations.] § 6. Whenever any person is engaged in digging down any street, or making any sewer or drain therein, or trench for gas or water pipes, or other excavation, in any public street, sidewalk, alley, or open place, in this city, under any contract with the city, or any private corporation, or person, or where the same is done by any person, or private corporation, for his or its own use and benefit, and such work if left exposed, would be dangerous to passengers, horses, teams, or travelers, such person or corporation so engaged in such work as aforesaid, shall erect a fence or railing at such excavation or work in such manner as to prevent danger to passengers, teams or travelers, who may be traveling such street or alley, and shall so maintain such fence or railing until such work is completed or danger removed. And it shall further be the duty of such person or corporation to place upon such railing

or fence at twilight in the evening, suitable and sufficient red lights, and keep them burning through the night during the performance of such work. Any person or corporation violating any of the provisions of this section, shall be fined not less than five dollars, nor more than two hundred dollars for each offense.

Cellar Doors Open.] § 7. Whoever shall in the night time leave open any cellar door, vault, well, cistern, excavation, ditch or like hole upon or adjoining any street, alley or sidewalk, without securing and protecting the same so as not to endanger the safety of persons or animals passing thereby from falling therein, shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars. [R. O. 1876.]

MERCHANDISE OR FUEL ON STREETS.] § 8. No person shall obstruct or incumber any street or alley with merchandise, fuel or other articles or property longer than may be necessary in the diligent removal of the same, under a penalty of not less than one dollar, nor more than ten dollars, and a like penalty for each hour the same shall not be removed after notice to remove the same by the mayor, city engineer or any police officer. [R. O. 1876.]

Obstructing Street by Teams.] § 9. When any street or alley may be obstructed by a press of teams, wagons or animals, the mayor, any police officer or any alderman may give such orders and directions as may be deemed necessary for abating the obstruction; and whoever shall not obey such orders and directions shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars. [R. O. 1876.]

Persons Placing Obstructions Liable for Damages.] § 10. Whoever shall place or leave or cause to be placed or left, any encroachment, incumbrance or obstruction in or upon any street, alley or sidewalk, shall, in all cases, be liable to the city and to private persons for all damages or injury arising from such encroachment, incumbrance or obstruction. [R. O. 1876.]

BUILDINGS, ETC., IN STREET NOT TO BE REPAIRED.] § 11. No fixtures, building, fence or other erection or inclosure extending or encroaching upon any road, street, alley or sidewalk, contrary to ordinance, shall be repaired or rebuilt, under a penalty of not less than ten dollars, and not exceeding one hundred dollars. [R. O. 1876.]

REMOVAL OF BUILDINGS THROUGH STREETS.] § 12. No person shall move or cause to be removed, or aid in removing any building through or across any street or alley without a written permit from the mayor, nor shall in removing such building unnecessarily incumber or obstruct any street or alley, or for a longer time than

may be neceesary in the prompt and diligent removal of such building, under a penalty of not less than ten dollars, and not exceeding one hundred dollars in each case, and an additional penalty of not less than three dollars for each day such building shall unnecessarily remain in any street or alley. [R. O. 1876.]

DIGGING IN STREETS, ETC.] § 13. Whoever shall excavate, strip, sap, undermine, or in any manner dig away, or plow any street, alley or highway, or any part of the same, shall be fined not less than three dollars, nor more than one hundred dollars. [R. O. 1876.]

EXCAVATIONS ADJOINING STREETS TO BE GUARDED.] § 14. Whenever any person shall hereafter excavate, sap, strip, undermine, or make any opening in the ground of the depth of four feet or more, upon any premises contiguous to or within ten feet of any street, alley, or highway, such person shall enclose such premises by a substantial railing, or other sufficient barrier, at least four feet in height, and shall keep up such railing or barrier as long as such excavation or opening shall remain; and for any neglect, failure, or refusal so to do, such person shall be fined not less than three dollars, nor more than one hundred dollars. [R. O. 1876.]

EXCAVATIONS IN STREETS—TEARING UP SIDEWALKS.] § 15. No person not authorized by ordinance shall make any excavation in any street, alley or sidewalk without a written permit from the mayor, under a penalty of not less than three dollars, and not exceeding one hundred dollars. Any person making or causing to be made any excavation or ditch, for any purpose, in any street or alley or sidewalk, shall, without any unnecessary delay, cause the same to be filled up to the proper level of the street, alley or sidewalk, and shall, from time to time, if necessary, continue to repair the same until the earth is completely settled and the surface conforms to the proper level of the street. Any person tearing up any plank or paved street or sidewalk, or bridge or culvert for any purpose, or negligently breaking or injuring the same by the removing of any building over the same, shall, without delay, cause such plank or paved street, alley or sidewalk, or bridge or culvert to be repaired and placed in the same condition as before the breaking or injuring thereof. Any person making or causing to be made any excavation or ditch, or tearing up, breaking or injuring any planked or paved street, alley or sidewalk, bridge or culvert, or causing the same to be broken, injured or torn up, who shall not comply with the requirements of this section, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars, and the city engineer shall, without delay, cause such filling up or repairs to be made and completed, and the costs thereof may be collected of any person whose duty it was to do the same, and recovered with the penalty or in a separate suit, in the name of the city. [R. O. 1876.]

Rrmoving Grade or Corner Stakes.] § 16. Whoever shall purposely change or remove any stake, post or stone placed or set to designate the corner or line of any lot or land, street or alley, or to show the grade of any street, alley or sidewalk, shall be subject to a penalty of not less than five dollars, and not exceeding one hundred dollars. [R. O. 1876.]

REMOVING OR SELLING EARTH FROM STREET.] § 17. Whoever shall for any private purpose, dig, remove or carry away any earth from any street or alley without the permission of the city council, shall be subject to a penalty of not less than one dollar for each load removed or carried away, and any city officer who shall sell or dispose of any earth from any street or alley for his private gain or benefit, shall be subject to a penalty of not less than twenty-five dollars, and not exceeding one hundred dollars. [R. O. 1876.]

Ashes, Rubbish, etc., in Streets and Alleys.] § 18.] Whoever shall throw, place or leave any ashes, dirt, garbage, filth or other rubbish in or upon any street, alley or sidewalk, or shall knowingly suffer or permit the same to be thrown, placed or left in or upon any street, alley or sidewalk in front of or adjoining any premises owned or occupied by him, under his control, shall be subject to a penalty of not less than one dollar, and not exceeding one hundred dollars, and to a like penalty for each day the same may remain after notice to remove the same by the mayor, the city engineer or any police officer, or any alderman. [R. O. 1876.]

FIRE UPON STREET CROSSINGS.] § 19. Whoever shall throw, place or leave any live coals or fire, or make or kindle any fire upon any planked street crossing, shall be subject to a penalty of not less than three dollars, and not exceeding one hundred dollars, and shall likewise be liable for all damages or injury caused thereby and the costs of repairing, which may be recovered with the penalty or in a separate suit in the name of the city. [R. O. 1876.]

Throwing Paper, etc.—Dropping Rubbish from Carts.] § 20. Whoever shall throw any paper, straw, tin cans or litter of any kind into any street, alley or open space of ground, in said city, or shall cause any cart, wagon or other vehicle to be so loaded and heaped up with sand, manure, earth, or rubbish, so that in the hauling thereof any part of such load, shall be scattered or dropped in any street, alley, or other open place of said city, shall be fined not less than three nor more than fifty dollars for each offense.

STOPPING TEAM ON CROSSINGS.] § 21. Whoever shall obstruct any street crossing by unnecessarily stopping thereon with any team, vehicle or animal, so as to incommode persons crossing the same, shall be subject to a penalty of not less than one dollar, and not exceeding ten dollars. [R. O. 1876.]

FEEDING OR HUCKSTERING ON PUBLIC SQUARE.] § 22. No person or persons shall feed any team, horse or horses, or other animal upon the public square in said city, nor shall stop upon the same with teams, wagons, market-wagons, carriages or otherwise, for the purpose of marketing, bargaining, bartering, trafficking in or hawking any wood, coal, hay, straw, fish, poultry, produce, goods, wares or merchandise, under a penalty of not less than three dollars, nor more than one hundred dollars for each offense. [R. O. 1876,]

NUMBERS ON BUILDINGS.] § 23. All buildings situated on any of the streets of said city shall be numbered in the manner herein, and as may be hereafter provided by the city council.

Decimal System Adopted.] § 24. The decimal system of numbering streets is hereby adopted.

Manner of Numbering.] § 25. All east and west streets shall be numbered from west to east, beginning west; all north and south streets shall be numbered from south to north, beginning at the south. One hundred numbers shall be assigned to each block. The even numbers to be on west side of north and south streets, and on the south side of east and west streets.

MAPS. ENGINEER TO DESIGNATE NUMBERS.] § 26. The city engineer shall cause to be prepared, from time to time, maps of the several streets, showing the numbers of all lots and houses; and he shall assign to each lot or house its proper number, and deliver, free of charge, to the owner or occupant, a certificate designating such number.

SIZE OF NUMBERS—WHERE PLACED.] § 27. Each of the figures of every number shall be not less than three inches in length, and so marked as to be distinctly and easily read; said numbers shall be placed in a conspicuous place, on the side of or above the front door of the building to which they are attached.

Penalty for Not Numbering. § 28. Any person being the owner or occupant of any building now erected in the city of Danville, who, after being notified by the city engineer, that the street numbers are on record at his office, shall for thirty days neglect or refuse to number any building owned or occupied by him, with the number so assigned such building, as aforesaid, or shall number any such building with a number different from that assigned such building as aforesaid, or shall maintain any such wrong number upon any such building which may be now upon it, shall be fined not less than three dollars, nor more than ten dollars for every thirty days he shall neglect or refuse to number said building, or shall maintain such wrong number upon the same.

Numbering of New Buildings.] § 29. Any owner or occupant of any building hereafter erected in said city, who shall for thirty days after the same shall be erected, neglect or refuse to number said building according to the provisions of this chapter, or who shall number said building without having first obtained from said city engineer a certificate designating the proper number, or shall place or maintain a number on such building different from that assigned to it by said city engineer, shall be subject to a penalty of not less than three dollars, nor more than ten dollars, for every thirty days thereafter that said building shall be without its number, according to the provisions of this chapter, or shall have a number thereon different from that assigned to it by said city engineer.

CITY ENGINEER TO ADJUST NUMBERS.] § 30. In all cases where a street shall be numbered, or re-numbered in pursuance of this article or any ordinance hereafter passed, it shall be the duty of the city engineer thereafter to adjust and re-number such streets as the same may be required from time to time; and in all cases where there is a mistake or conflict in numbers, said city engineer shall direct and make the proper adjustment of the same.

#### CHAPTER XXXII.

## VEHICLES.

#### SECTION.

#### SECTION.

- I. Vehicles licensed.
- 2. Rate of license.
- 3. Number of license on vehicle. 4. Persons entitled to license.
- 6. Rates for carrying passengers or property.
- 7. Penalty for charging excessive rates.

8. Boisterous conduct - obstructing streets.

Stands for vehicles.

10. Police to remove vehicles. 11. False representation—extortion, etc.

12. Licensed persons to keep copy of

Vehicles Licensed.] § 1. No person shall keep or use for hire for the carrying of persons or property, any vehicle of any kind or description, within the city of Danville, without first obtaining a license therefor, under a penalty of not less than five dollars, nor more than fifty dollars for each offense. Provided, this section shall not apply to livery men hiring out vehicles to persons for single trips, or in the course of the usual and ordinary business of livery men; nor shall the same apply to merchants, lumbermen, and other persons, who keep and use vehicles for the delivery of property sold by them, and delivered to the purchasers thereof free of charge; nor shall the same apply to teams hired by the day or week, and not engaged in carrying passengers.

for a license, under this chapter, the following rates:

First. For omnibuses running between the hotels and railroad depots, and other parts of the city, the sum of twenty-five dollars per annum for the first omnibus, and fifteen dollars per annum for each additional omnibus owned by the same person.

Second. For each hackney coach, or other two horse carriage, wagon, hack, or vehicle used for carrying passengers, the sum of fifteen dollars per annum.

Third. For each cab or other one horse vehicle, used for carrying passengers the sum of ten dollars per annum.

Fourth. For each truck, dray or other vehicle used for carrying freight or property, the sum of ten dollars per annum.

NUMBER OF LICENSE ON VEHICLE.] § 3. Every person keeping or using any vehicle requiring a license, shall cause the number of the license of such vehicle to be conspicuously painted or placed upon the same where it can be readily seen; and any person neglecting or refusing so to do shall be fined not less than three dollars, nor more than twenty-five dollars.

PERSONS ENTITLED TO LICENSE.] § 4, No person shall be entitled to a license under this chapter, except such person is a resident of the city of Danville, and over the age of twenty-one years, and the owner of the vehicle or vehicles for which he desires a license.

Bonds.] § 5. Before a license shall be issued to any person to keep or use for hire any vehicle, he shall execute a bond to said city in the sum of five hundred dollars, with sureties to be approved by the mayor, conditioned for the faithful observance of all ordinances of the city relating to vehicles, and that he will promptly deliver all property intrusted to him to the persons entitled thereto.

RATES FOR CARRYING PASSENGERS OR PROPERTY.] § 6. Charges for the transportation of persons and property by all persons licensed hereunder shall be as follows, viz:

First. For carrying each passenger between any two points within the city, twenty-five cents.

Second. For the use of any two-horse cab, carriage or other vehicle, with driver, by the hour, the sum of one dollar per hour.

Third. For the use of any one-horse vehicle, by the hour, with driver, fifty cents per hour.

Fourth. For carrying merchandise or property of any kind upon a wagon, truck or dray, for any distance not exceeding six blocks, the sum of twenty-five cents per load; for any distance exceeding six blocks, fifty cents per load.

Penalty for Charging Excessive Rates.] § 7. Any person licensed under this chapter, or the driver of any such licensed vehicle, who shall charge, or cause to be charged, any greater sum than the rates provided in section six of this chapter, for carrying any passenger or property, shall be fined not less than five dollars, nor more than one hundred dollars for each offense, and the owner of such vehicle shall in addition thereto forfeit his license for the same, in the discretion of the mayor.

Boisterous Conduct, Obstructing Streets, etc.] § 8. No driver of any coach, cab, dray or other vehicle licensed under this chapter, shall, at any depot, or at any stand waiting for employment, or other place, leave his team, bus, carriage or vehicle to solicit passengers, or shall conduct himself in a boisterous or disorderly manner, or use any indecent or profane language, or in any way vex or annoy any traveler, passenger or other person, or unnecessarily snap or flourish his whip, or obstruct any street or sidewalk in said city, under a penalty of not less than three dollars, nor more than one hundred dollars.

STANDS FOR VEHICLES.] § 9. The city marshal shall designate stands for all cabs, coaches, omnibusses or other vehicles at all railroad depots, where the same shall stand while waiting for passengers or property; and shall also designate and fix the stands at other points in the city, where all drays, carts, coaches, cabs or other licensed vehicles, shall stand while waiting for passengers or employment; and said city marshal shall make all necessary rules and regulations for the use and occupations of said stands, by such licensed vehicles. Provided, that no such stand shall be assigned for any such vehicle in front of any premises, against the wish of any owner or occupant of the same. Any owner or driver of any such licensed vehicle who shall cause, or permit the same to stand or remain at any place, waiting for passengers or employment, other than the one assigned for the same, or shall violate any of the rules of the city marshal, regulating such stands, as aforesaid, shall be fined not less than three dollars, nor more than fifty dollars for each offense.

Police to Remove Vehicles.] § 10. The city marshal and the several police officers of the city, shall have power to order the driver, or other person, having charge of any licensed vehicle, to remove such vehicle away from any place in any of the streets, which in his or their opinion may be improperly incumbering such street, or obstructing or impeding public travel; and any person refusing or neglecting to comply with such order shall be fined not less than two dollars, nor more than twenty dollars.

FALSE REPRESENTATIONS—EXTORTION.] § 11. Any owner or driver of any cab, coach or other licensed vehicle, who shall induce any body to employ him, by knowingly or wantonly misinforming or misleading such person, either as to the time or place of the arrival or departure of any railroad train, or the distance to, or location of any depot, office, station, hotel, public place or private residence within said city, or shall be guilty of any other fraud, extortion or attempted fraud or extortion, upon such person, shall be fined not less than five dollars, nor more than one hundred dollars for any or either of the aforesaid offenses.

LICENSED PERSONS TO KEEP COPY OF SECTION 6.] § 12. The driver of every licensed vehicle, shall keep in his possession at all times a certified copy of section six of this chapter, or any amendments thereto hereafter passed by the city council, and shall exhibit the same to any person employing him, who shall demand the same, under a penalty of not less than three dollars.

## CHAPTER XXXIII.

#### WARDS.

SECTION.

Division of city into wards.

DIVISION OF CITY INTO WARDS.] § 1. The city of Danville shall be divided into five wards, bounded and described as follows:

First Ward: The first ward shall consist of that portion of said city, included within the following boundary lines: Commencing at the intersection of the section line between sections eight and nine, in township nineteen, north range eleven, west, Vermilion county, Illinois, with the Vermilion river, running thence north upon said section line to the center of Van Buren street, thence west to the North Fork, thence along said North Fork, with the meanderings thereof to the Vermilion river, thence eastwardly along the said Vermilion river, with the meanderings thereof to the place of beginning.

Second Ward: The second ward shall consist of that portion of the city included within the following boundary lines: Commencing at a point on the north boundary line of said city, and in the center of Vermilion street, thence east along the said north boundary line to the section line between sections four and five, in the township and range aforesaid, thence south along said section line to the center of Van Buren street, thence west to the center of Vermilion street, thence north to the place of beginning.

Third Ward: The third ward shall consist of that portion of the city, included within the following boundary lines: Commencing at a point on the north boundary line of said city, and in the center of Gilbert street, thence east along said north boundary line of said city, to the center of Vermilion street, thence south to the first alley south of North street, thence west to the centre of Gilbert street, thence north to the place of beginning.

Fourth Ward: All the remaining territory of said city lying and being west of Gilbert street shall constitute the fourth ward.

Fifth Ward: All the remaining territory of said city lying and being east of the section lines between sections four and five, and between sections eight and nine, township and range aforesaid, shall constitute the fifth ward.

Passed and Approved December 6, A. D. 1883.

Attest:

A. C. FREEMAN,
City Clerk.

L. T. DICKASON, Mayor. STATE OF ILLINOIS, Vermilion County, City of Danville.

I, Alfred C. Freeman, City Clerk of the City of Danville, Vermilion county, Illinois, do hereby certify that the foregoing ordinance entitled "An Ordinance for revising and consolidating the general ordinances of the City of Danville," was passed and adopted by the City Council of said city, at a regular meeting thereof, on the 6th day of December, A. D. 1883; that the same was duly deposited in the office of the City Clerk of said city, on the 6th day of December, A. D. 1883, and was duly signed and approved by the mayor of said city; that the foregoing is a true and correct copy of said ordinance, and that the same is published and printed in book or pamphlet form under the direction, and by the authority of the City Council of said city.

A. C. FREEMAN, City Clerk.



# SPECIAL

# LAWS AND ORDINANCES

IN FORCE IN THE CITY OF DANVILLE.

AN ORDINANCE IN RELATION TO THE DANVILLE GAS LIGHT COMPANY.

- § 1. Be it ordained by the City Council of the City of Danville, That the Danville Gas Light Company, their successors, associates and assigns are hereby authorized and empowered with full power and authority exclusively to manufacture, sell and dispose of gas, coke and tar made from any and all of the substances from which inflammable gas, coke and tar can be obtained and be used for the purpose of lighting the city of Danville or the [streets] thereof, and public places or houses therein contained and other places in the vicinity, and to erect and maintain all the necessary works and apparatus therefor.
- § 2. That said Danville Gas Light Company are hereby empowered and authorized to build, erect and maintain structures, buildings and apparatus necessary or incident or suitable to their convenience, within the corporate limits of the city, and also with full and exclusive power and authority to excavate and dig and lay pipes, mains or submains for the purpose of conducting gas in any of the streets, avenues, alleys, highways, public grounds, sidewalks or other public places in said city or elsewhere, with full power and authority to maintain the said pipes, mains and sub-mains in any of such streets, avenues, alleys, highways, public grounds, sidewalks or other public places in said city or elsewhere, and to repair, remove, change or re-locate such pipes, mains or sub-mains, and to do the digging and excavating instant [incident] thereto at such times and in such manner as said Danville Gas Light Company may deem proper. Provided, always, that said Gas Light Company exercise the rights and powers herein granted in such manner as to do no permanent injury or damage to any such streets, avenues, alleys, highways, public grounds, sidewalks or other public places in said city, and that after they shall have dug or excavated therein, and laid, altered, changed, repaired or re-located any of their pipes, mains or sub-mains therein, they shall restore the premises excavated or dug to its former condition without delay.

- § 3. That the said Danville Gas Light Company, its successors or assigns, shall not allow any excavation, ditch or trench more than fifteen rods in length, in any one street or alley in the said city of Danville, at any one time, to remain open, uncovered, or in any manner exposed.
- § 4. That whenever the said Danville Gas Light Company, its successors or assigns, shall dig, ditch, trench or excavate any street or alley in the said city of Danville, for the purposes of laying down its pipes, mains or sub-mains, or for any purpose whatever, it shall be the duty of the said Danville Gas Light Company, its successors or assigns, to immediately repair such street or alley, and to restore and replace the same to a condition equal to that in which the same previously existed.
- § 5. That should the Danville Gas Light Company, its successors or assigns, suffer or permit any ditch, trench or excavation to remain open, uncovered, or in any manner exposed during the night, the same shall be protected by a substantial railing or other barricade, and by a lighted lantern suspended at each end thereof, and that it shall be unlawful for any ditch, trench or excavation across or over any sidewalk in the said city of Danville to remain open or in any manner exposed during the night time.
- § 6. That the manner in which the said Danville Gas Light Company, its successors and assigns, shall lay the pipes, mains and sub-mains across any of the sewers or ditches or alleys of the said city of Danville, shall be under the direction of the committee on streets and alleys of the city council, and of the city engineer of the said city of Danville.
- § 7. That for each violation of the provisions of this ordinance by the said Danville Gas Light Company, its successors or assigns, or by its agents, workmen or employees, the said Danville Gas Light Company, its successors or assigns, shall be liable to and shall pay a penalty of not less than five dollars.

Passed and approved August 11, 1870.

#### AN ORDINANCE

CONCERNING THE CHICAGO, DANVILLE & VINCENNES RAILWAY COMPANY.

§ 1. Be it ordained by the City Council of the City of Danville, That the right of way over, across and upon Depot street in said city, being the first street east of Jackson street, be and the same is hereby granted unto the Chicago, Danville & Vincennes Railroad Company, its successors and assigns forever, together with the right to erect, construct, operate and forever maintain its main and side tracks thereon throughout the entire length thereof from Main street to the northern terminous of said street.

- § 2. That the grant hereinbefore made be and is upon the express condition that the said Chicago, Danville & Vincennes Railroad Company, its successors and assigns, use said street for the purpose aforesaid so as not to interfere with the passage of teams along or across the same, and that they keep the said main and side tracks planked between rails at the intersection of other streets and alleys with said depot street the full width of the streets, alleys and sidewalks of said intersecting streets, so as to afford safe and convenient crossings for teams and pedestrians; and also upon condition that said railroad company, its agents, successors and assigns conforms to and obeys all ordinances of said city regulating railroads which are now in force or may hereafter be passed.
- § 3. That the city of Danville shall not, by reason of this grant, become liable for damages to person or persons owning property on said Depot street, by reason of this grant or the using of said street by the Chicago, Danville & Vincennes Railroad.
- § 4. That the mayor be and he is hereby authorized and required to enter into a written contract in the name of the said city of Danville with said railroad company, binding the parties respectively to the observance of the terms of this ordinance.

Passed and approved May 12, 1871.

#### AN ORDINANCE

CONCERNING THE D., U., B. & P. RAILROAD.

§ 1. Be it ordained by the City Council of the City of Danville, That permission and authority is hereby given to the Danville, Urbana, Bloomington & Pekin Railroad Company to construct, erect, grade and maintain their track with necessary switches, turn-tables and side-tracks, from the point where said railroad crosses the North Fork of the Big Vermilion river, to the point where the same leaves the city on the eastern limits of the same, across the following streets and intermediate alleys: Mill street, Seminary street and alley north, Grant street and alley east, Chandler street and alley east, High or Kimber street, Harmon avenue, William street, Gilbert street, Oak street and alley east, and the street running parallel with the T., W. & W. Railway Company.

- § 2. At the crossing of Mill street and Seminary street the said railroad company shall, within four weeks from the time they commence work on either of said streets, finish and complete the grading of their road at such points, and put up good and substantial bridges of wood or other material, of the width of sixteen feet, to be capable of supporting a moving weight of twenty-five tons, and also build, fill up, repair and grade the said streets, so that there shall be an easy grade or approach from either end of said bridge, and to carry out the intentions of the city and said company, the said company hereby are permitted to raise the grade of Mill street not to exceed five and one-half feet, and Seminary street not to exceed four feet above the level of the present street beds at the points crossed.
- § 3. It shall be the duty of the said company in making the grade of said road across the streets aforesaid to do so with all practicable speed, and they are at no time to obstruct the streets of the city in the inhabited portions of the city, so that wagons, teams or foot passengers shall be obliged to travel more than one square to pass such obstruction. The said company shall, at its own expense, grade the streets over which their track crosses in such a manner that wagons and teams can cross their tracks by an easy grade to and from either side of their tracks, and shall make and at all times maintain good, substantial and safe crossings for general travel for wagons, teams, horses, cattle and foot passengers.
- § 4. That the said company shall at all times maintain and keep up, at their own expense, water ways, ditches, culverts, or other means of conducting water along or across their said track sufficient to discharge or carry off all the water that may be carried to their cuts and fills by the streets and alleys of the city, and to so construct their embankments and cuts that such water may be discharged without injury or damage to private property or the streets and alleys of the city. It being one of the conditions of this grant by the city, that the said company shall at all times use, alter, maintain, and keep up at their own expense, such water ways, ditches, culverts, or other means of conducting the water that may be collected along their track by their ditches or embankments.
- § 5. That the said company shall at all times at their own expense keep in good and substantial repair the bridges erected and built by them, as well as the crossings of streets and alleys at this time laid out and opened, and shall repair and keep in good condition the grades by them made on the streets and alleys as aforesaid, and that whenever so required by the city council, shall extend and widen the the bridges over their track on Mill and Seminary streets, so that the said bridges and grades thereto shall be of the same width of the said streets.

- § 6. That the right of way is hereby granted to the D., U., B. & P. Railroad Company, over, upon and along Davis street from the intersection of Oak street to the eastern terminus of Davis street, and also over, upon and along Clay street from a point twenty-two rods east of Hazel to the eastern terminus of Clay street, with the right to construct, maintain and use tracks for their railroad over, upon and along the portions of said streets above described forever, on condition that said railroad company shall so construct their track as not to interfere with the travel on said streets, except by the passage of their trains; and also on the further condition that said company shall, in laying their said track on said streets, make and keep such streets always in a good and substantial condition for public travel, use and occupation; and also on the further condition that all streets and alleys now laid out, intersecting or entering the portions of said Davis and Clay streets used and occupied by said company, shall be so graded that the said Clay street may be entered and approached by an easy and convenient grade; and also on the further condition that said railroad company shall make and maintain the grade of the proportions of Clay and Davis streets the same with the grade of said road, which said grade is hereby established as the grade of such portions of said streets; and also shall, at their own expense, build, erect, maintain, and keep in repair, the necessary ditches, water ways, culverts, or other means of conducting water along or across their said track sufficient to discharge or carry off all the water that may be brought to their cuts and fills in said streets by the streets and alleys of the city; and so construct their embankments and cuts that such water may be discharged without injury or damage to private property or the streets and alleys of the city.
- § 7. That said railroad company in constructing their said road to Clay street, have permission and authority to construct, erect, grade and maintain their tracks, with necessary switches, turn-tables and side-tracks over and across Oak street and alley east; William street, Franklin street and alley east; Walnut street and alley east; Vermilion street and alley east; and Hazel street and alley east; and the streets and alleys east thereof, upon the same conditions on which the said right is granted over and across the streets and alleys west of Oak street.
- § 8. This ordinance shall not take effect until the said railroad company shall have entered into a bond with the city of Danville, to be filed with the city clerk and approved by the city council of said city, conditioned for the payment of any and all costs, expenses, fees, charges and damage, for which the said city of Danville may become or be held liable to any person or persons by reason of any act of said railroad company in laying down said track or tracks, or building such bridges or grading the streets and alleys of the city, and also for performing the requirements of this ordinance; and this ordinance

shall not take effect until the said company shall have obtained the right of entry upon the premises of private parties adjacent to such streets as are hereby allowed to be used by said company, either by agreement with such private parties, or by process of condemnation under the statutes.

- § 9. That the said company shall at all times be liable to, and conform to, all ordinances of said city, in regard to the rate of speed of moving trains, and as to signals on crossing streets or other points, and to all ordinances in relation to railroads now or hereafter to be in force.
- § 10. That wherever the said railroad company shall have occasion to grade any of the streets and alleys of the city, the grade shall not be steeper than a raise of one foot in five.

Passed and approved April 20, 1869.

# AN ORDINANCE

IN RELATION TO THE DANVILLE AND GRAPE CREEK RAILROAD COMPANY.

§ 1. Be it ordained by the City Council of the City of Danville, · County of Vermilion and State of Illinois: That the Danville and Grape Creek Railroad Company, its successors, lessees or assigns, is hereby authorized, empowered and permitted to construct, operate and maintain a single or double track railway, in, upon and across the following streets, to be hereinafter named and at points hereinafter designated, to-wit: Griggs street, in said city, at a point four hundred and seventy-one and a half feet west of the center of the crossing of said Griggs and Collett streets in said city, thence south by east in upon and across all intervening alleys, until said line crosses Wellington street at a point five hundred and ninety feet west of Collett street; thence south by east, in, upon and across all intervening alleys, until said line crosses Seminary street in said city, at a point five hundred eight and a half feet west of the center of Collett street; thence south by east, in, upon and along all intervening alleys, until said line crosses Herman street at a point four hundred feet west of the center of said Collett street; thence south by east, in, upon and across all intervening alleys, until said line crosses Anderson street at a point one hundred and nineteen and a half feet south of the junction of Anderson and Herman streets; thence south by east, in, upon and across all intervening alleys, until said line crosses Collett street at a point nine hundred and fifty feet north of east Main street, or what is known as the Covington road in said city of Danville; thence south by east to a point where the said line crosses east Main street at a point five hundred and nineteen feet east of the center of the junction of Collett and Main streets in said city; thence south by east to a point where said line is surveyed and designated to a point where said line crosses Bowman Avenue, nine hundred and twenty-nine and a half feet on a direct line south of the center of east Main street, known as the Covington road, in the said city of Danville. However, upon the following conditions, limitations, restrictions and provisions, and all other conditions, limitations, restrictions and provisions, that may hereafter be lawfully imposed upon said company, its lessees, successors, operators or assigns, that is to say:

- § 2. That the right of way hereby granted to the Danville and Grape Creek Railroad Company, in, upon, over and across the above mentioned streets and alleys, in the first section of this ordinance, is upon the following conditions: Said Danville and Grape Creek Railroad Company shall pay or cause to be paid, all damages incurred by any private property holder on account of the construction, maintainance or use of their railroad aforesaid, in, upon, over or across any of the said streets and alleys mentioned and named in the first section of this ordinance, and shall save and keep said city harmless from any and all loss, damages, suits or outlay of money or costs on account of or by reason of the construction or use of said railroad in, upon or across any of the above mentioned streets or intervening alleys by reason of a change of the present grade of the aforesaid streets and alleys crossed by said railroad, and for any other damages that may arise from the construction of said railroad in said city of Danville.
- 3. That the said Railway Company shall cross Collett street upon a bridge at the point heretofore designated in the first section of this ordinance: Said bridge to be erected and maintained at the said railway company's own expense and cost: Which said bridge shall have four (4) passage ways for carriages and wagons, each of which shall be not less than twelve (12) feet in width with an opening under said bridge from the grade of said street to the bottom of the sills of said bridge above mentioned, of not less than twelve (12) feet, and a sidewalk passage way on either side of said street under said bridge of the same height, and not less than eight (8) feet wide, to be erected and maintained by said railroad company at its own expense: The supports of the aforesaid bridge are to be placed parallel with the length of said street, and said railroad company, its lessees and assigns, are expressly prohibited from encroaching or placing any earthwork or obstructions of any kind or character in, upon or along any of the above mentioned streets and alleys, except

the supports of said bridge, and they, the said supports, are not to occupy a space in width to exceed eighteen (18) inches of any one of said supports. The said railroad company, its lessees, successors and assigns, are expressly prohibited from placing any frogs or connections of their main track with any side track in, upon or across any of the aforesaid streets or alleys.

- § 4. That said company shall grade said streets and alleys over, across and along where their said railway passes, in accordance with the survey and profile hereunto attached, marked Exhibit "A" and "B," and made a part of the fourth section of this ordinance. (Original ordinance with exhibits attached on file in City Clerk's office.) That said roadway of said company where the same crosses any and all streets and alleys in said city shall be so graded that said streets and alleys may be entered and approached by an easy grade as to ingress and egress, both as to carriage ways and sidewalks, and also on the further condition: That said railway company shall, at its own expense, build, maintain and keep in repair, the necessary ditches, water ways, culverts or other means of conducting water along or across their said track or tracks, sufficient to discharge or carry off all the water that may be brought to their cuts and fills on said street or by other streets and alleys of said city, and to so construct their embankments and cuts, that such water may be discharged without injury or damage to private property or the streets and alleys of said city of Danville, and the city reserves the right to discharge the water off and from any of its streets and alleys into the said railroad company's ditches and water ways aforesaid.
- § 5. It shall be the duty of said railroad company in making the grade of its said roadway in, upon or across the streets and intervening alleys aforesaid, to do so with all practicable speed, and they are at no time to obstruct the streets of the said city in the construction of said roadway so that wagons, carriages, teams or foot passengers shall be obliged to travel more than one square to pass any such obstruction, nor for a longer time than three days.
- § 6. That after said roadway shall have been constructed, and said company, its lessees, successors or assigns, shall have begun to operate its or their said road over, across and upon said streets and intervening alleys within the limits of said city, it or they, at no time, shall obstruct the crossing of any of the said streets and intervening alleys, over, across or along which said railway line passes, by leaving their engine or engines, car or cars, train or trains standing on said streets or intervening alleys for a period longer than five minutes at any one time, except in case of accident or other fortuitous cause or circumstance.
- § 7. That said company, its lessees, successors or assigns, shall, at all times be liable and conform to all ordinances of said city in

regard to the rate of speed of moving trains and as to signals on crossing or other points, and to all ordinances in relation to railroads now or hereafter to be enacted by the city council in relation to railroads.

- § 8. That whenever the said railroad company shall grade or change the grade of any of the streets or alleys within the said city of Danville, said grade shall not be steeper than a rise of one foot in ten, nor with a decline or fall to the crossing of said roadway of over one foot in ten, and all such grading or changing of grades shall be done under the supervision of the acting city engineer or his duly authorized deputy, and shall conform to his plans and specifications, and such grading or changing of grades shall be done at the expense of said railroad company.
- That the said Danville and Grape Creek Railroad Company shall enter into a bond in the sum of one hundred thousand (\$100,000) dollars to indemnify the said City of Danville and all who may be damaged by reason of the building, maintaining and operating of said railroad with good and sufficient surety, to be filed with the city clerk and approved by the city council of said city, conditioned for the payment of any and all costs, expenses, fees, changes and damages, for which the said City of Danville may become liable or be held to any person by reason of any act of said railroad company in laying down said track or tracks, or building such bridge or bridges, or grading the streets and intervening allevs aforesaid, upon, over and across which said railroad company's line passes, and also for the performing of all other requirements of the ordinance and all other ordinances pertaining to railroads or that may hereafter be passed in relation to railroads by the said City of Danville, also conditioned that said railroad company shall have first obtained the right of entry upon the premises of private parties adjacent to such streets and intervening alleys as are hereby allowed to be used by said company, either by agreement with such private parties or by process of condemnation under the statutes in such cases made and provided, and shall pay such damages as may be found to be due any private person or persons before entering upon and taking his or their property.
- § 10. That in the event said railroad company, its lessees, successors or assigns, shall fail or neglect or refuse to comply with any or either of the terms or conditions above set forth, or any part thereof, the city council of the City of Danville hereby reserves the right, and may, without notice to the said Danville and Grape Creek Railroad Company, its lessees, successors or assigns, person or persons operating said railroad track or tracks, revoke or repeal this ordinance so far as the same grants permission to use said streets and intervening alleys mentioned in the first section of this ordinance and to require such track or tracks to be taken up and removed from and across said streets and intervening alleys in said city of Danville.

§ 11. This ordinance to be in full force and effect from and after its passage, approval and of the filing and approval of the bond required by the ninth section of this ordinance by the City Council of the said City of Danville, Vermilion county, Illinois.

Passed and approved this 10th day of April, A. D. 1880.

Attest:

A. C. Freeman, City Clerk. L. T. DICKASON, Mayor.

#### AN ORDINANCE

IN RELATION TO THE CHICAGO AND EASTERN ILLINOIS RAILROAD COMPANY AND THE DANVILLE AND GRAPE CREEK RAILROAD COMPANY.

Be it ordained by the City Council of the City of Danville, That the Chicago and Eastern Illinois Railroad Company and the Danville and Grape Creek Railroad Company, their lessees, successors and assigns, are hereby authorized and permitted to construct, operate and maintain a single or double railroad track and side-tracks, in, upon, through and along Junction street in said city from the Indiana, Bloomington & Western Railroad north to the intersection of Collett street, and also across such streets and alleys as the line of said railroads crosses. However, upon the following terms and conditions, limitations and restrictions and none other, that is to say:

- § 1. Said Chicago and Eastern Illinois Railroad Company and the Danville and Grape Creek Railroad Company shall pay all damages incurred by any property holder on account of the construction or use of their said railroads in, upon, through and along said Junction street, or on account of the crossing of any streets and alleys of said city, and save and keep said city harmless from all loss, damage, suits or outlays of money or costs, on account of, or by reason of the construction or use of the aforesaid railroads in, upon, through and along Junction street or across the aforesaid streets and alleys.
- § 2. Said Chicago and Eastern Illinois Railroad Company and the Danville and Grape Creek Railroad Company shall immediately grade and fill said Junction street the full width of said street, and up to the level of the grade of said railroad tracks from the Indiana, Bloomington and Western Railroad north to the intersection of Collett street,

and said railroad companies, their lessees, successors and assigns, shall, at all times hereafter repair, keep and maintain the grade of said street in its full width up to the level of the grade of said railroad tracks.

- § 3. Said Chicago and Eastern Illinois Railroad Company and the Danville and Grape Creek Railroad Company, their lessees, successors or assigns, shall, at all times conform to, comply with and abide by all ordinances now in force, or that may be hereafter enacted by the city authorities for the government of railroads within said city, and also comply with any requirements which said city council may hereafter enact under its special charters or by general laws of the State now in force or hereafter passed with respect to said Chicago and Eastern Illinois Railroad Company and the Danville and Grape Creek Railroad Company in particular or for the government of the railroads within the city generally.
- § 4. That in the event that said railroad companies, their lessees, successors or assigns shall fail, neglect or refuse to comply with any or either of the terms or, conditions above set forth, or any part thereof the City Council of the City of Danville hereby reserve the right, and may without notice to any or either of the said companies or comporations, person or persons operating said Railroad track or tracks as aforesaid, revoke or repeal this ordinance so far as the same grants permission to use Junction street from the Indiana, Bloomington and Western Railroad north to the intersection of Collet street, for said track or tracks as aforesaid, or to cross said streets and alleys.

This ordinance to take effect from and after its passage and due publication, provided, the Chicago and Eastern Illinois Railroad Company open, or cause to be opened and dedicate or otherwise convey to to the City of Danville, that portion of Section street north of the Evansville, Terre Haute and Chicago Railroad to Fairchild street; also secure to the City of Danville the right of way along and across the Evansville, Terre Haute and Chicago Railroad, and the Indiana, Bloomington and Western Railroad, the same to be done without any expense to the City of Danville, and when said Section street is dedicated or deeded to the city and the right of way over the above railroads is granted to the city, then this ordinance to be in full force and effect.

Passed and approved, this 4th day of November, A. D. 1880.

Attest:

A. C. FREEMAN, City Clerk. L. T. DICKASON, Mayor.

PROVIDING FOR A SUPPLY OF WATER TO THE CITY OF DANVILLE AND ITS INHABITANTS; AUTHORIZING THE DANVILLE WATER COMPANY TO CONSTRUCT AND MAINTAIN WATER WORKS; CONTRACTING WITH SAID COMPANY FOR A SUPPLY OF WATER FOR PUBLIC USE, AND GIVING SAID CITY AN OPTION TO PURCHASE SAID WORKS.

Be it ordained by the City Council of the City of Danville, in manner following, that is to say:

- § 1. The Privilege is hereby granted to the Danville Water Company, a corporation duly organized and existing under the laws of the State of Illinois, and to its successors and assigns, for thirty years from the passage of this ordinance, to construct and maintain within and near the City of Danville, water works for supplying the said city and the inhabitants thereof and of the adjacent municipalities and territory with water for public and private uses, and to use the streets, alleys, sidewalks and public grounds, and the rivers, streams and bridges of the City of Danville within its present and future corporate limits for placing, taking up and repairing mains, hydrants and other structures and devices requisite for the service of water.
- The source of water supply shall be the North Fork of the Vermilion river at a point above the present sewage of the City of Danville north of Fairchild street. The pump house shall be of stone or brick, of ample size to accommodate the machinery of the said water company, and there shall be two pumping engines of modern and appropriate style and good efficiency, having an aggregate pumping capacity of four million gallons of water in twenty-four hours. There shall be a stand-pipe as part of the water works system, not less than one hundred and fifty feet high. All the mains used in the said construction, shall be tested at their place of manufacture, before being laid, under a pressure of three hundred pounds to the square inch, and they shall be of suitable size to furnish an abundant supply of water for present and future requirements. The fire hydrants rented by said city as hereinafter stated, shall be of modern and appropriate style and good efficiency, with frost jacket, and with double delivery, fitted to connect with the hose coupling now in use by the fire department of said city. Written notice being given by said company to said City of Danville, there shall be a test of the power and capacity of said water works on their completion, when

they shall throw from separate hydrants in the business portion of said city six simultaneous fire streams through a fifty feet section of hose and a one inch nozzle, to a height of one hundred feet, and when they shall throw at another time from separate hydrants in other portions of the said city four simultaneous effective fire streams.

- § 3. The said water company shall commence in good faith the construction of said water works within sixty days from the passage and approval of this ordinance, and shall have in successful operation at least eight miles of water mains in said city in the month of September, in the year 1883, and shall have the said works fully completed with ten miles of water mains in said city, in the month of December, in the year 1883. The lines of water mains shall be so located and laid as to afford fire protection to the several wards, there being no less than one mile of mains in each ward.
- § 4. All mains shall be so located and laid as not to interfere unnecessarily with any pipes, mains, conduits and sewers existing at the time of such location and laying. There shall be no unreasonable or unnecessary obstruction of the streets, alleys, sidewalks or public grounds of the said city by said water company in constructing the said works or in placing, taking up or repairing any mains, hydrants or other structures or devices requisite for the service of water, and the said water company, after using the said streets, alleys, sidewalks and public grounds, shall restore them within a reasonable time as nearly as practicable to their former condition, and shall hold the said city harmless from any and all damages arising from negligence or mismanagement of said water company or its employees, in constructing, extending or operating said works. In all street excavations the said water company shall keep red danger lights burning at night along the line of the same. At least one light to every one hundred and fifty feet, and shall erect and maintain sufficient barricades at the ends of said excavations and at all streets and alleys where they cross said excavations. If the said city shall change the surface of any street or alley in which the said water company shall have laid a main, and if such change shall exceed one foot, and if the said water company shall relay its said main on account of such change, then the said city shall reimburse to the said water company the actual cost thereof.
- § 5. If at any time it shall appear that the said water company by extending its mains will derive a steady additional revenue of not less than one hundred dollars per annum for every three hundred feet of such extension, either from responsible private consumers secured by written agreement, or from the rental of public fire hydrants upon the terms hereinafter stated, then the city council may by ordinance require the said water company to make such extension without unnecessary delay. But at the expiration of thirty years from the passage

and approval of this ordinance, all right of said city of requiring extensions shall cease, unless the rights, privileges and contract hereby granted and made shall have been renewed.

§ 6. The said water company shall not charge to consumers during the continuance of the franchises granted by this ordinance exceeding the following maximum annual rates. But it shall have the right at its will at any time, to insert a meter into the service pipe of any consumer and to supply him at meter rates:

10 00 /

Banks, with one basin.....\$

Bakery, each oven
Barber shop, first chair
Barber shop, each additional chair 3 00
Bath, without heating apparatus, private 4 00
Bath, with heating apparatus, private 5 00
Bath, in boarding house or hotel, first tub 8 00
Bath, in boarding house or hotel, each addi-
tional tub
Bath, public, not less than
Brewery, per barrel brewed
Billiard saloon, each table 4 00
Boarding house, per room (no license less
than \$10 00) 1 50
Book bindery, not less than
Brick work, per 1,000 laid
Brick yard, each gang of hands 25 00
Butcher shop, steam extra
Candy manufacturers 15 00 to 30 00
Cigar manufacturers (no license less than
\$10 00) per hand 2 00
Confectioners 10 00 to 30 00
Cow, each 2 00
Distilleries, for each barrel distilled 10
Dyeing and scouring 10 oo to 30 oo
Ferge, first fire 5 00
Forge, each additional fire 2 00
Fountain six months (running not more than
6 hours per day) according to size of jet 12 00 to 50 00
Halls and theatres 12 00 to 30 00
Horse, one, including washing carriage 4 00
Horse, each additional 2 00
Horse for private stable, not less than 3 00
Horse for private stable, not less than 3 00 Hotel, per room special.
Ice-cream saloon 10 00 to 20 00
Laundry 24 00 to 100 00
Offices or sleeping rooms 5 00 to 10 00
Oyster saloons 10 00 to 20 00

Printing offices, six hands or less (engine ex-					
tra)	\$			12	00
Printing office, each additional hand	W-			I	50
Photograph Galleries	10	00	to		
Plastering, per square yard				Ŭ	1/2
Residence, occupied by one family for do-					
mestic use one to three rooms				5	00
Residence, each additional room					00
Restaurant					
Saloons	10	00	to	30	00
Sprinkling, private garden, 3/4 hose, 1/8 noz-					
zle, first 50 yards per square yard					04
Sprinkling, all over 50 yards, per sq. yard			C		02
Sprinkling carts, per month			5]	pec	ıaı.
Sprinkling sidewalk to center of street, 34					
hose, 1/8 inch nozzle, 11/2 hours per day					
(no license less than \$5 00) per foot					T ()
front					10
including carriage washing				12	00
Stable, each additional stall					50
Steam boilers, rated per horse power, from				_	3
one to ten horse power (working ten					
hours per day)				4	00
Steam boilers, each additional up to twenty					00
Steam boilers, over twenty			S	pec	
Stone work, per perch					07
Stores and shops	8	00	to	20	00
Tenement, (no license less than \$6 00) per					
room				I	50
Tobacco manufacturers, (no license less					
than \$5,00) per hand			,		50
Urinal basins	0	00	to		
Water closets, private				-	00
Water closets, public					00
Wash basins, in fotel					00
wash bashis, ili hotel				3	00
METER RATES.					
100 to 500 gal. per day, per 100 gallons					05
500 to 1500 gal. per day, per 100 gallons					04
1500 to 3000 gal. per day, per 100 gallons					031/2
3000 to 5000 gal. per day, per 100 gallons.					03
5000 to 10,000 gal. per day, per 100 gallons					02 1/2
10,000 or more gal. per day, per 100 gallons					02

The rates in this section prescribed, shall be paid quarterly, except sprinkling rates, which shall be paid for the season.

- § 7. At the expiration of five, ten and twenty years after the completion of said works, and at the expiration of said term of thirty years, and at the expiration of any renewed term thereof, said city shall have the right to purchase said works with its privileges and property at a fair valuation, to be ascertained as follows: In the event said city and said water company shall fail to agree on the price, three disinterested appraisers of good intelligence, not residents of the county of Vermilion, shall be chosen and sworn to determine the value thereof. One to be appointed by the said city, one by the said water company, and the third by the two so appointed. When said three persons shall have been so chosen, and before they determine said value, the said city and the said water company shall each at their option have the right to call non-resident experts, not exceeding three in behalf of each party to give testimony under oath before said three appraisers as to such value. The said three appraisers shall then proceed to determine such value, and in so doing, they shall take into consideration the productive value of the said water works, rights, privileges and property. And in the event there being no existing fire hydrant contract with said city at the date of such appraisement, the last existing contract shall be included in the estimated productive value, as though still in existence. When the three or their majority shall have made an award in writing, ten per centum shall be added to the amount thereof: Provided the appraisal be made at the expiration of five years, but no per centum shall be added to the ascertained value of said property after the first period of five years. And the said city shall then have the option of refusing to pay after such award shall have been made, or of paying in cash to said water company within three months from the date of said award, the amount thereof and the said additional ten per centum thereon. If the said city shall refuse to purchase as aforesaid, it shall pay the necessary expenses incurred in making of said award. The said city shall, in such purchase, assume and perform all unfinished contracts made by said water company for furnishing water, and shall assume and pay all debts and obligations of said company, not exceeding in amount the said purchase money to be paid by said city. And all sums so paid shall be in part discharge of said purchase money. But if said city shall determine to avail itself of this right to purchase, it shall, in all cases, give written notice to the said water company of such determination, at least one year before the expiration of said privileges, or before the other appointed dates of purchase.
- § 8. In consideration of the benefits which will be derived by the said city and its inhabitants from the construction and operation of the said water works, and in further consideration of the water supply hereby secured for public uses, and as the inducement to said water company to accept the provisions of this ordinance and contract, and to enter upon the construction of said water works, the

rights and privileges hereby granted to and vested in said water company shall remain in force and effect for thirty years from the passage of this ordinance; and for the same consideration and as the same inducement, the City of Danville hereby rents of the Danville Water Company for the uses hereinafter stated, one hundred fire hydrants of the character hereinbefore described, for and during the term of thirty years from the passage of this ordinance, and agrees to locate them promptly along the line of the street mains, on demand of said water company, and on submission by it to said city of a plan of the location of said street mains, and agrees to use the said hydrants carefully and to pay said water company for any injury which may happen to any of them when used by any officer, servant or member of the fire department of said city, and agrees to pay rent for said one hundred hydrants at the rate of seventy-five dollars each per year, and agrees to pay during the unexpired term of said ordinance and privilege, for any additional fire hydrants which the city may hereafter locate, at the rate of sixty-two and fifty one hundredths dollars each, per year, for the next forty additional hydrants, and for all fire hydrants in excess of one hundred and forty, at the rate of fifty dollars each, per year; all of which sums shall be paid by said city to said water company, beginning from the dates when each of such hydrants shall be put into successful operation, in quarter-yearly installments on the first days of February, May, August and November of each year, and terminating upon the expiration of said term of thirty years, or upon the purchase of said works and their privileges and property by the said city.

- § 9. The fire hydrants rented by said city of the said water company shall be used only for the extinguishment of fires, and shall constantly furnish effective fire streams without the aid of portable engines, and flushing gutters and sewers through a hose and fire nozzle. In flushing, no one hydrant shall be used exceeding ten minutes in one week, nor shall more than one hydrant opening be turned on at the same time, nor shall any flushing be done during the existence of a fire or without notice to the water company.
- § 10. The said water company shall constantly keep all fire hydrants rented of it by said city supplied with water for fire service, and shall maintain them in effective working order. The chief of the fire department of said city, or in his absence the officer in charge thereof shall have charge and control of said fire hydrants, and may at any time cause such hydrants to be inspected, and if on such inspection any of said hydrants are found to be out of working order, he shall forthwith notify said water company in writing, specifying the hydrant or hydrants out of working order, and shall also report to the city council the date of such examination and the result thereof, and his subsequent action in the premises. And in case any such hydrant shall remain out of repair for one week or more after the said water company shall have been so notified in writing, the said city

shall be entitled to deduct from said hydrant rental account, the sum of ten dollars per week so long [as] such hydrant is not in working order; provided, that the total amount so deducted shall not exceed double the yearly rental of such hydrant or hydrants. And in case that the said water company, after said water works shall have been completed and in successful operation, shall suffer a suspension of the supply of water for both domestic and fire purposes exceeding thirty days, then and in that case said water company shall forfeit all privileges hereby granted, unless such suspension shall have been caused by circumstances beyond the control of the said water company.

- § 11. The said water company or assigns, in consideration of said city renting such number of fire hydrants, hereby agree to gratiutously furnish and erect a combined spray and drinking fountain for man and beast, flowing twelve hours per diem, (and not exceeding two thousand gallons per diem), on the public square in said city; and also to furnish free, water for said fountain, and in addition thereto, water for two additional drinking fountains, flowage not to exceed one thousand gallons each per diem, fountains to run except during freezing weather, also water free for all city offices and quarters of the fire department situated on lines of water mains in said city, (for drinking and washing purposes), for and during the term and continuance of this privilege and ordinance. Whenever the city council shall decide to erect additional public drinking fountains for man and beast, such fountains shall be located on the lines of water mains at such point or points as the city council may designate, the annual rental of such additional fountains shall be one hundred dollars each per annum, payable quarterly as for fire hydrants. All public drinking fountains shall be provided with automatic valves or shall furnish a constant flowing stream through a small orifice, at the option of said water company or assigns to prevent the waste of water.
- § 12. The said water company shall provide and maintain at its own expense, a telephone or other electric line affording connection between its pump house and each principal fire department station, for use during fires, the city to furnish its own instruments.
- § 13. The said city shall adopt and enforce ordinances protecting the said water company in the safe and unmolested exercise of these franchises, and against fraud and imposition, and against injury to its property and waste of water by consumers, and the said water company may make and enforce as part of the conditions upon which it will supply water to consumers, all needful rules and regulations not inconsistent with law.
- § 14. This ordinance shall become binding as a contract on the said city of Danville in the event that the said Danville Water Company shall, within ten days from the passage and publication of

this ordinance, file with the city clerk of said city its written acceptance of the terms, obligations and conditions of this ordinance, and upon such acceptance this ordinance shall constitute the contract, and shall be the measure of the rights and liabilities of the said city and of the said water company.

§ 15. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance, and especially the ordinance entitled: "An ordinance to provide for the construction and maintenance of water works for the supply of water to the city of Danville, Illinois, and its inhabitants, and for the prevention and extinguishment of fires in said city," passed and approved April 22, 1882, are hereby repealed, and this ordinance shall take effect from and after its passage and publication.

Passed and approved this 9th day of November, A. D. 1882.

Attest:

A. C. FREEMAN,

L. T. DICKASON,
Mayor.





I, A. C. Freeman, City Clerk of the city of Danville, Ills., hereby certify that the foregoing ordinance was published in the "Daily Commercial" (the same being a newspaper published in said City of Danville) dated Nov. 11th, A. D. 1882.

A. C. FREEMAN, City Clerk.

TO AMEND AND CARRY OUT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANVILLE, ENTITLED "AN ORDINANCE PRO"VIDING FOR A SUPPLY OF WATER TO THE CITY OF DANVILLE "AND ITS INHABITANTS, AUTHORIZING THE DANVILLE WATER "COMPANY TO CONSTRUCT AND MAINTAIN WATER WORKS; "CONTRACTING WITH SAID COMPANY FOR A SUPPLY OF WATER "FOR PUBLIC USE, AND GIVING SAID CITY AN OPTION TO PUR"CHASE SAID WORKS," PASSED AND APPROVED NOVEMBER 9TH, A. D. 1882.

WHEREAS: The Danville Water Company has commenced in good faith the construction of its water works within sixty days from the passage and approval of an Ordinance of the City Council of the City of Danville, entitled "An Ordinance providing for a supply of "water to the city of Danville and its inhabitants, authorizing

"the Danville Water Company to construct and maintain water "works, contracting with said company for a supply of water for "public use, and giving said city an option to purchase said works"

passed and approved November 9th, A. D. 1882; which commencement in good faith of said construction is hereby acknowledged; and,

WHEREAS: The Danville Water Company has submitted to the city of Danville, a plan of the location and sizes of its street mains, and the city of Danville has thereupon on demand of said Water Company located on said street mains the one hundred hydrants rented by the said city of Danville of the said Water Company: and,

WHEREAS: The Danville Water Company proposes, in addition to connecting its works for a water supply with the North Fork of the Vermilion river at a point above the present sewage of the city of Danville, north of Fairchild street, to dig a well or wells north of Fairchild street, in the vicinity of its pumping station, and to utilize for water supply the water pumped by it from such well or wells so dug:

Now, for amendment of said ordinance in conformity with the foregoing, and for the purpose of carrying out the said ordinances:

Be it ordained by the City Council of the City of Danville, in manner following, that is to say:

- § 1. That section 2 of an ordinance of the City of Danville, entitled: "An ordinance providing for a supply of water to the City "of Danville and its inhabitants, authorizing the Danville Water "Company to construct and maintain water works; contracting "with said company for a supply of water for public use, and "giving said city an option to purchase said works;" passed and approved November 9th, 1882, which reads as follows:
- "The source of water supply shall be the North Fork of the Vermilion river, at a point above the present sewage of the city of Danville, north of Fairchild street. The pump house shall be of stone or brick, of ample size to accommodate the machinery of the said Water Company, and there shall be two pumping engines of modern and appropriate style and good efficiency, having an aggregate pumping capacity of four million gallons of water in twentyfour hours. There shall be a stand pipe as part of the Water Works system, not less than one hundred and fifty feet high. All the mains used in the said construction, shall be tested at their place of manufacture before being laid, under a pressure of three hundred pounds to the square inch, and they shall be of suitable size to furnish an abundant supply of water for present and future requirements. The fire hydrants rented by said city, as hereinafter stated, shall be of modern and appropriate style and good efficiency, with frost jacket, and with double delivery, fitted to connect with the hose couplings now in use by the fire department of said city. Written notice being given by said company to said city of Danville, there shall be a test of the power and capacity of said Water Works on their completion, when they shall throw from separate hydrants in the business portion of said city, six simultaneous fire streams through a fifty feet section of hose and a one-inch nozzle to a height of one hundred feet, and when they shall throw at another time from separate hydrants in other portions of the said city four simultaneous effective fire streams,"

### Be, and the same is hereby amended to read as follows:

§ 2. The Danville Water Company shall take its water supply from the North Fork of the Vermilion river at a point above the present sewage of the city of Danville, north of Fairchild street, or from a well-or wells dug by it north of Fairchild street in the vicinity of its pumping station, or from North Fork and such well or wells, changing from one to the other, or to both sources of supply from time to time, at its discretion. The pump house shall be of stone or brick, of ample size to accommodate the machinery of the said Water Company, and there shall be two pumping engines of modern and appropriate style and good efficiency, having an aggregate pumping capacity of four million gallons of water in twenty-four hours. There shall be a stand-pipe as part of the water works system, not less than one hundred and fifty feet high. All the mains used in the said con-

struction, shall be tested at their place of manufacture, before being laid, under a pressure of three hundred pounds to the square inch; and the locations and sizes of those permitted to be laid, may be as follows, the said Water Company having the right to select the side of the street:

From the pumping station to the intersection of Lincoln and Denmark streets, 14 inches diameter.

In Woodbury street, from Franklin to Vermilion streets, 6 inches diameter.

In Griggs street, from Junction Avenue to Collett street, 6 inches diameter.

In Lincoln street, from Denmark to Harmon Avenue, 14 inches diameter.

In Williams street, from Harmon Avenue to Vermilion street, 1 inches diameter.

In Williams street, from Vermilion to Section streets, 8 inches diameter.

In Williams street, from Section to Junction Avenue, 6 inches

In Ann street, from Harmon Avenue to Gilbert street, 4 inches diameter.

In Seminary street, from Grant street to Harmon Avenue, 6 inches diameter.

In Madison street, from Mill street to Harmon Avenue, 4 inches diameter.

In Madison street, from Harmon Avenue to Vermilion street, 10 inches diameter.

In Madison street, from Vermilion to Depot streets, 6 inches diameter.

In Harrison street, from Mill to Pine streets, 4 inches diameter.

In North street, from Robinson to Depot streets, 4 inches diameter.

In Main street, from Pine to Franklin streets, 8 inches diameter.

In Main street, from Franklin to Gray streets, 10 inches diameter.

In Main street, from Gray to Collett streets, 6 inches diameter.

In South street, from Vermilion to Buchanan streets, 6 inches diameter.

In Chestnut street, from College to Elizabeth streets, 4 inches diameter.

In Grant street, from Lincoln to Seminary streets, 6 inches diameter.

In Mill street, from Madison to Harrison streets, 6 inches diameter.

In Harmon Avenue, from Lincoln to Williams streets, 14 inches diameter.

In Harmon Avenue, from Williams to Madison streets, 10 inches diameter.

In Robinson street, from Harrison to North streets, 4 inches diameter.

In Gilbert street, from Williams to Madison streets, 6 inches diameter.

In Pine street, from Madison to Main streets, 8 inches diameter.

In Oak street, from Seminary to Madison streets, 4 inches diameter.

In Franklin street, from Woodbury to Williams streets, 4 inches diameter.

In Franklin street, from Williams to Madison street, 6 inches diameter.

In Franklin street, from Madison to Main street, 4 inches diameter.

In Walnut street, from Williams to Main streets, 4 inches diameter.

In Vermilion street, from Woodbury to Williams streets, 4 inches diameter.

In Vermilion Street, from Williams to Madison streets, 8 inches diameter.

In Vermilion Street, from Madison to Main streets, 10 inches diameter.

In Vermilion street, from Main to South street, 6 inches diameter.

In Hazel street, from Williams to Madison street, 4 inches diameter.

In Hazel street, from Madison to Main streets, 6 inches diameter.

In Hazel street, from Main to South streets, 4 inches diameter.

In Hazel street, from South to Green streets, 6 inches diameter.

In Jackson street, from Williams to Madison streets, 6 inches diameter.

In Jackson street, from Madison to North streets, 4 inches diameter.

In Depot street, from Madison to Main streets, 6 inches diameter.

In Gray street, from Main to South streets, 4 inches diameter.

In College street, from South to Chestnut streets, 6 inches diameter.

In Elizabeth street, from South to Chestnut streets, 6 inches diameter.

In Elizabeth street, from Chestnut to Wayne streets, 4 inches diameter.

In Junction Avenue, from Williams to Griggs streets. 6 inches diameter.

In Buchanan street, from Main to South streets, 4 inches diameter.

In Collett street, from Main to Griggs streets, 4 inches diameter.

The fire hydrants rented by said city as hereinafter stated, shall be of modern and appropriate style and good efficiency, with frost jacket, and with double delivery, fitted to connect with the hose couplings now in use by the fire department of said city. Said fire hydrants so rented by said city shall be set by the said Water Company on whatever corner of the intersection it may select; but in all cases on the side of the street nearest to the main with which they are connected, and they are hereby located as follows:

- 1. At the intersection of Woodbury and Franklin streets.
- 2. At the intersection of Woodbury and Walnut streets.
- 3. At the intersection of Woodbury and Vermilion streets.
- 4. At the intersection of Clay and Franklin streets.
- 5. At the intersection of Tincher and Denmark streets.
- 6. In Franklin street, at the north side of the right of way of the I., B. & W. Railway.
- 7. In Vermilion street, at the south side of the right of way of the I., B. & W. Railway.
  - 8. At the intersection of Lincoln and Denmark streets.
  - 9. At the intersection of Lincoln and Sheridan streets.
  - 10. At the intersection of Lincoln and Grant streets.
  - 11. At the intersection of Lincoln and Chandler streets.
  - 12. At the intersection of Williams street and Harmon Avenue.
  - 13. At the intersection of Williams and Robinson streets.
  - 14. At the intersection of Williams and Gilbert streets.15. At the intersection of Williams and Oak streets.
  - 16. At the intersection of Williams and Franklin streets.
  - 17. At the intersection of Williams and Walnut streets.
  - 18. At the intersection of Williams and Vermilion streets.
  - 19. At the intersection of Williams and Hazel streets.
  - 20. At the intersection of Williams and Jackson streets.
  - 21. At the intersection of Williams and Depot streets.
  - 22. At the intersection of Williams and Section streets.
    23. At the intersection of Wellington and Junction streets.
  - 24. At the intersection of Wellington and Collett streets.
- 25. In Harmon Avenue, at the north side of the right of way of the I., B. & W. Railway.
  - 26. At the intersection of Kimber and Grant streets.
  - 27. At the intersection of Cherry and Jackson streets.
- 28. In Franklin street, half way between Williams and Seminary streets.
- 29. In Vermilion street, half way between Williams and Seminary streets.

- 30. At the intersection of Ann and Gilbert streets.
- 31. At the intersection of Seminary and Grant streets.
- 32. At the intersection of Seminary street and Harmon avenue.
- 33. At the intersection of Seminary and Gilbert streets.
- 34. At the intersection of Seminary and Franklin streets.
- 35. At the intersection of Seminary and Vermilion streets.
- 36. At the intersection of Seminary and Jackson streets.
- 37. At the intersection of Seminary and Collett streets.
- 38. At the intersection of Madison street and Harmon avenue.
- 39. At the intersection of Madison and Robinson streets.
- 40. At the intersection of Madison and Gilbert streets.
- 41. At the intersection of Madison and Pine streets.
- 42. At the intersection of Madison and Franklin streets.
- 43. At the intersection of Madison and Walnut streets.
- 44. At the intersection of Madison and Vermilion streets.
- 45. At the intersection of Madison and Hazel streets.
- 46. At the intersection of Madison and Jackson streets.
- 47. At the intersection of Madison and Depot streets.
- 48. At the intersection of Herman and Collett streets.
- 49. At the intersection of Harrison and Franklin streets.
- 50. At the intersection of Harrison and Walnut streets.
- 51. At the intersection of Harrison and Vermilion streets.
- 52. At the intersection of Harrison and Hazel streets.
- 53. At the intersection of Harrison and Jackson streets.
- 54. At the intersection of Harrison and Depot streets.
- 55. In Vermilion street, at the corner of the alley between Harrison and North streets.
  - 56. At the intersection of North and Robinson streets.
  - 57. At the intersection of North and Pine streets.
  - 58. At the intersection of North and Franklin streets.
  - 59. At the intersection of North and Walnut streets.
  - 60. At the intersection of North and Vermilion streets.
  - 61. At the intersection of North and Hazel streets.
  - 62. At the intersection of North and Jackson streets.
  - 63. At the intersection of North and Depot streets.
- 64. At the intersecton of North street (extended) and Collett street.
- 65. In Franklin street, at the corner of the alley between North and Main streets.
- 66. In Walnut street, at the corner of the alley between North and Main streets.
  - 67. At the intersection of Van Buren alley and Vermilion street.
  - 68. At the intersection of Van Buren alley and Hazel street.
  - 69. At the intersection of Van Buren alley and Depot street.
  - 70. At the intersection of Main and Pine streets.
  - 71. In Main street, half way between Franklin and Pine streets.
  - 72. At the intersection of Main and Franklin streets.

- 73. At the intersection of Main and Walnut streets.
- 74. In Main street, at the corner of the First National Bank.

75. At the Postoffice corner.

- 76. At the intersection of Main and Hazel streets.
- 77. In Main street, at the corner of the alley between Hazel and Jackson streets.
  - 78. At the intersection of Main and Jackson streets.
  - 79. At the intersection of Main and Depot streets.
  - 80. At the intersection of Main and Gray streets.
  - 81. At the intersection of Main and Mc Donald streets.
  - 82. At the intersection of Main and Park streets.
  - 83. At the intersection of Main and Fremont streets.
  - 84. At the intersection of Main and Clark streets.
  - 85. At the intersection of Main and Buchanan street.
  - 86. At the intersection of Main and Collett streets.
  - 87. At the intersection of South and Vermilion streets.
  - 88. At the intersection of South and Hazel streets.
  - 89. At the intersection of South and Jackson streets.
  - 90. At the intersection of South and Gray streets.
  - 91. At the intersection of South and Park streets.
  - 92. At the intersection of South and Elizabeth streets.
  - 93. At the intersection of South and Buchanan streets.
  - 94. At the intersection of Green and Hazel streets.
  - 95. At the intersection of Green and College streets.
  - 96. At the intersection of Chestnut and College streets.
  - 97. At the intersection of Chestnut and Park streets.
  - 98. At the intersection of Chestnut and Elizabeth streets.
  - 99. At the intersection of Pearl and Elizabeth streets.
  - 100. At the intersection of Wayne and Elizabeth strects.

Written notice being given by said company to said city of Danville, there shall be a test of the power and capacity of said water works on their completion, when they shall throw from seperate hydrants in the business portion of said city, six simultaneous fire streams, through a fifty feet section of hose, and a one inch nozzle, to the highth of one hundred feet, and when they shall throw at another time from seperate hydrants in other portions of the said city, four simultaneous effective fire streams: *Provided*, *however*, that nothing in this section shall be so construed as to operate against the full force and effect of section 9 and that part of section 2 of the original ordinance which provides for laying of mains of suitable size to furnish an abundant supply of water for present and future requirements.

§ 2. This ordinance shall become binding as a part of the contract existing between the City of Danville and the Danvil e Water Company in the event that said water company shall, within ten days from the passage and publication of this ordinance, file with the city clerk of said city, its written acceptance of it.

§ 3. All ordinances and resolutions and parts of ordinances or resolutions in conflict herewith are hereby repealed, and this ordinance shall take effect at its passage and publication.

Passed by City Council, May 1st, A. D. 1883. Approved June 2nd, 1883.

Attest:

A. C. FREEMAN,

L. T. DICKASON,

Mayor.

City Clerk.

Seal.

1, Alfred C. Freeman, City Clerk of the City of Danville, Illinois, hereby certify that the foregoing ordinance was published in "The Danville Leader" (the same being a newspaper published in said city of Danville, Illinois), dated Friday, June 8th, 1883.

A. C. FREEMAN,

City Clerk.

#### TO ESTABLISH A PUBLIC LIBRARY AND READING ROOM.

- § 1. Be it ordained by the City Council of Danville, That there be established and maintained in the city of Danville, a Public Library and Reading Room, for the use and benefit of the inhabitants of said city.
- § 2. That the said public library and reading room be organized and maintained under and in accordance with the provisions of an act of the General Assembly of the State of Illinois, entitled "An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms." Approved and in force March 7, 1872.
- § 3. That the mayor of said city shall proceed to appoint a board of directors to organize said library and reading room, as by law required.

Passed and approved this 6th day of July, A. D. 1882. Attest,

A. C. FREEMAN, City Clerk. L. T. DICKASON,
Mayor.

#### AN ORDINANCE

PERMITTING THE ERECTION OF A DAM IN ELLSWORTH PARK AND CONFERRING CERTAIN PRIVILEGES.

Be it ordained by the City Council of the City of Danville:

§ 1. That permission be, and the same is hereby given, to A. C. Daniel, Charles J. Palmer, De Witt C. Frazier, F. W. Sutton, J. B. Mann and Samuel Stansbury, and to any boat club now organized or to be organized, to which they may assign, the rights herein granted to erect and maintain for the space of ten years, a dam across the North Fork of the Vermilion river at or near the south line of Ellsworth Park in said city.

- § 2. Said dam shall be erected and maintained at the sole cost and expense of said persons or said boat club, so erecting the same.
- § 3. Said persons or club so erecting said dam shall have the exclusive right to maintain boats within the limits of said park, and shall have the exclusive right to erect and maintain such boat houses upon the banks of said stream in said park as may be necessary for the use of said club and the individual members thereof: *Provided, however*, that before any such boat houses shall be built, that the plans for the same shall be first submitted to and approved by the city council. Said club shall have the exclusive right to keep and maintain boats for hire to the public on the waters of said stream within the limits of said park.
- § 4. Said dam shall be-constructed under the superintendence of the city engineer of said city, and to be provided with sufficient flood gates to let the water out of the pond created by said dam. Said dam to be of such height as shall be directed by said city engineer, and to be so contructed as not to damage private property on said stream.
- § 5. Nothing herein contained shall in any wise operate or be construed to render the city liable for any damages arising by reason of the construction of said dam to any person or persons or to private property adjacent to said stream.
- § 6. The maximum rate of charge for hire of boats, shall be twenty-five cents per hour.
- § 7. The city shall have the right at any time after the expiration of three years to purchase the property and rights of the said club at a price to be determined by two disinterested parties, one of whom shall be chosen by the City Council and one by said club, and in case of their inability to agree as to the price, then the two so chosen shall choose a third, and the decision of any two of said persons shall be final and binding on both parties.
- § 8. The grant herein made, shall not be operative, unless said club shall enter upon the building of said dam within sixty days from the passage of this ordinance.
- § 9. All rules and regulations of said club governing the use of boats in said park, shall be submitted to and approved by the City Council.
- § 10. This ordinance to be in full force and effect, from and after its passage and due publication.

Passed and approved this 13th day of October, A. D. 1882.

Attest:

A. C. FREEMAN, City Clerk. L. T. DICKASON, Mayor.

GRANTING TO THE "AQUATIC BOAT CLUB OF DANVILLE, ILLINOIS," THE PRIVILEGE OF TAKING ICE FROM ELLSWORTH PARK.

Be it ordained by the City Council of Danville, That the Aquatic Boat Club of Danville, Illinois, and its successors and assigns have privilege of taking, and the power to control the taking of the ice that may form on the pond in Ellsworth Park, from the dam, as high up the stream as a line drawn due west from the north side of Main street, leaving to the city the right at all times to regulate the manner of taking out the ice, and the protection of the openings, to such rules and regulations as the city may from time to time adopt, for the security of persons frequenting the pond for skating or other purposes of recreation. The consideration for the privilege hereby granted, being an undertaking and agreement upon the part of the Boat Club, its successors and assigns, to repair and maintain in good condition the dam across the North Fork, at, or near the place where the dam now is. And their privilege is to extend to the time heretofore granted to said Boat Club relative to the construction of said dam and boating privilege, reference being hereby had to the ordinance heretofore granting said privilege.

Passed and approved this 7th day of June, A. D. 1883.

Attest:

A. C. FREEMAN, City Clerk. L. T. DICKASON,

Mayor.



1, Alfred C. Freeman, City Clerk of the City of Danville, Illinois, hereby certify that the foregoing ordinance was published in "The Danville Leader" (the same being a newspaper published in said city of Danville, Illinois), dated June 22, 1883.

A. C. FREEMAN,

City Clerk.

AUTHORIZING THE CONSTRUCTION AND OPERATION BY THE CITIZENS' STREET RAILWAY COMPANY OF DANVILLE, ILLINOIS, OF STREET RAILWAYS UPON CERTAIN STREETS IN THE CITY OF DANVILLE.

§ 1. Be it ordained by the City Council of the City of Danville, That there is hereby granted to the Citizens' Street Railway Company of Danville, Illinois, a corporation duly organized under the statutes of the State of Illinois, its successors and assigns the right to build, operate and maintain a single or double track street railway with all convenient turnouts, turntables, switches, and side tracks, in any or all of the following named streets in said city of Danville, viz.: mencing at the center of West Main street, at its eastern terminus, thence on a curve through the public square to the center of north Vermilion street; also commencing at the center of east Main street at its western terminus, thence on a curve through the public square to the center of north Vermilion street, thence north on said Vermilion street to the city limits. On Madison street, commencing at the center of Vermilion street at the intersection thereof with Madison street, thence west on Madison street to the west side of Mill street. On Williams street, commencing at the intersection thereof with Gilbert street, thence on Williams street to Junction Avenue, thence north on Junction Avenue to the right of way of the Indiana, Bloomington and Western Railway Company.

The said Street Railway Company shall begin the construction of said railway in good faith within thirty days from the passage of this ordinance, and it shall be completed and in operation on or before one year from the passage of this ordinance. *Provided*, That if said company should be delayed by the order or injunction of any court of competent jurisdiction from completing said railway, the time of said delay shall be excluded from the period herein prescribed for the completion of the same. *Provided*, *further*, That the said curves through the public square aforesaid, shall be established under and by direction of the city council.

§ 2. The said company shall locate and build its tracks as near the center of said streets as possible, and shall build its tracks so that the top of the rails shall be level with the surface of the streets, as they now are or may be, at the time its tracks are so built, and shall not be less than four foot guage, and if any time the city council shall establish a grade on any of said streets, or parts thereof upon which said tracks are built, or should change the grade already established, the said company shall, at its own expense, raise or lower its tracks so as to conform to such grade.

- § 3. The said company shall either plank, gravel, macadamize or pave the said streets between the rails of its said tracks, and for the distance of at least one foot on the outside of each line of rail, and shall thereafter keep the same in repair and good condition. *Provided*, That should said city at any time during the existence of this grant, pave or macadamize the part of either of said streets occupied by said railway tracks; the said company shall likewise pave or macadamize the part of said streets between the rails of its tracks and for a like distance on the outside as aforesaid, so as to conform to the balance of said streets.
- § 4. The said company shall also make substantial and suitable conduits and gutters whenever necessary to carry off the water under and along the tracks of its road, and shall keep the same in good condition and repair.
- § 5. The tracks of said railway shall be so made and maintained that all vehicles can easily and freely cross said tracks at any and all points with the least obstruction possible.
- § 6. All vehicles may pass over and upon said tracks, in such manner as shall not injure the same, or obstruct or impede, or delay the movement or running of cars thereon. And whoever shall drive any vehicle over and along said tracks, in such manner as to injure the same, or in front of any car thereon so as to delay or hinder the running of such car, and shall neglect or refuse to drive off of said track when requested to do so by any officer, agent, or employee of said company, or when notified to do so by the repeated ringing of the gong or bell on such car, shall be fined in any sum not exceeding twenty-five dollars for each offense.
- § 7. The rate of fare on any continuous route within the limits of said city, shall not exceed five cents.
- § 8. The right to operate and maintain said street railway, upon said streets, by said company, shall extend for the period of twenty years from the passage of this ordinance.
- § 9. The city council reserves the right at any time after the expiration of ten years from the passage of this ordinance, to order and direct said company, within a reasonable time thereafter, to relay such parts of the tracks of said railway, within the limits of said city, with tram or flat rails, as may be prescribed by said council.
- § 10. Said company shall save and keep harmless the said city from all damage caused to any person or property, by reason of the

building, maintaining and operation of its said railway; and shall fully pay and compensate said city for all loss and damage it may sustain by reason of the said building, maintenance and operation of said railway.

§ 11. The building of said street railway by said company upon said streets, shall be considered as an acceptance by said company of the conditions and provisions of this ordiance.

This ordinance to be in force after its publication as provided by law.

Passed and approved this July 12th, 1883.

Attest,

A. C. FREEMAN, City Clerk. L. T. DICKASON,
Mayor.



I, Alfred C. Freeman, City Clerk of the City of Danville, Illinois, hereby certify that the foregoing ordinance was published in "The Danville Leader," (the same being a newspaper published in said city of Danville) dated July 20th, A. D. 1883.

A. C. FREEMAN, City Clerk.

- AUTHORIZING THE CONSTRUCTION AND OPERATION BY THE CITIZENS' STREET RAILWAY COMPANY, OF DANYILLE, ILLINOIS, OF A STREET RAILWAY UPON MAIN STREET, AND EXTENSIONS THEREOF IN THE CITY OF DANVILLE, ILLINOIS.
- § 1. Be it ordained by the City Council of the City of Danville, That there is hereby granted to the Citizens' Street Railway Company of Danville, Illinois, a corporation duly organized under the statutes of the State of Illinois, its successors and assigns the right to build, operate and maintain a single or double track Street Railway with all convenient turn-outs, turn-tables, switches, and side-tracks in and upon the following described part of Main street and extension thereof in said city, viz: Commencing at the north end of the covered bridge over the Vermilion river, thence in a north westerly and a north easterly direction on what was originally a state road, called the Chicago and Vincennes road to the west end of Main street, or the intersection thereof with Mill street, thence east on Main street to the city limits. The said Street Railway Company to complete and have in operation, said line of railway, within one year from the date of the passage of this ordinance. Provided, That if said company should be delayed by the order or injunction of any court of competent jurisdiction from completing said railway, the time of said delay shall be excluded from the period herein prescribed for the completion of the same. Provided, further, that the track across and over the Public Square shall be located under and by direction of the City Council.
- § 2. The said company shall locate and build its tracks as near the center of said streets as possible, and shall build its tracks so that the top of the rails shall be level with the surface of the streets, as they now are or may be, at the time its tracks are so built, and shall not be less than four feet guage, and if any time the City Council shall establish a grade on any of said streets, or parts thereof upon which said tracks are built, or should change the grade already established, the said company shall, at its own expense, raise or lower its tracks so as to conform to such grade.

- § 3. The said company shall either plank, gravel, macadamize, or pave the said streets between the rails of its said tracks, and for the distance of at least one foot on the outside of each line of rail, and shall thereafter keep the same in repair and good condition. *Provided*, That should said city at any time during the existence of this grant, pave or macadamize the part of either of said streets occupied by said railway tracks, the said company shall likewise pave or macadamise the part of said streets between the rails of its tracks and for a like distance on the outside as aforesaid, so as to conform to the balance of said streets.
- § 4. The said company shall also make substantial and suitable conduits and gutters whenever necessary to carry off the water under and along the tracks of its road, and shall keep the same in good condition and repair.
- § 5. The tracks of said railway shall be so made and maintained that all vehicles can easily and freely cross said tracks at any and all points with the least obstruction possible.
- § 6. All vehicles may pass over and upon said tracks in such manner as shall not injure the same, or obstruct or impede, or delay the movement or running of cars thereon. And whoever shall drive any vehicle over and along said tracks, in such manner as to injure the same, or in front of any car thereon so as to delay or hinder the running of such car, and shall neglect or refuse to drive off of said track when requested to do so by any officer, agent, or employee of said company, or when notified to do so by the repeated ringing of the gong or bell on such car, shall be fined in any sum not exceeding twenty-five dollars for each offense.
- § 7. The rate of fare on any continuous route within the limits of said city shall not exceed five cents.
- § 8. The right to operate and maintain said Street Railway, upon said streets, by said company, shall extend for the period of twenty years from the passage of this ordinance.
- § 9. The City Council reserves the right at any time after the expiration of ten years from the passage of this ordinance, to order and direct said company, within a reasonable time thereafter, to relay such parts of the tracks of said railway, within the limits of said city, with tram or flat rails, as may be prescribed by said Council.
- § 10. Said company shall save and keep harmless the said city from all damage caused to any person or property, by reason of the building, maintaining and operation of its said railway, and shall fully pay and compensate said city for all loss and damage it may sustain by reason of the said building, maintenance, and operation of said railway.

§ 11. The building of said Street Railway by said company upon said streets, shall be considered as an acceptance by said company of the conditions and provisions of this ordinance.

This ordinance to be in force after its publication as provided by law.

Passed and approved this 6th day of September, A. D. 1883. Attest:

A. C. FREEMAN,

L. T. DICKASON,

City Clerk.

Mayor.



I, Alfred C. Freeman, City Clerk of the City of Danville, Illinois, hereby certify that the foregoing ordinance was published in "The Danville Leader," (the same being a newspaper published in said city of Danville, Illinois,) dated September 14th, 1883.

A. C. FREEMAN, City Clerk.

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